Supreme Court of the United States

OCTOBER TERM, 1969

No. 1441

IN RE BARBARA BURRUS ET AL.,

Petitioners.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

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NORTH CAROLINA COURT OF APPEALS

SECOND DISTRICT

Spring Session, 1969—Fall Term 1969 #15

No. 692DC256

From Hyde

IN RE: BARBARA BURRUS (69-J-17), SARAH WHITNEY (69-J-18), DARLENE MCCOY (69-J-19), NINA WHITNEY (69-J-20), DORENE HARRIS (69-J-21), PATRICIA COLLINS (69-J-22), DOLLIE GIBBS (69-J-23), MARIE HARRIS (69-J-24), TRINA SELBY (69-J-1), DORENE HARRIS (69-J-3), JULIA ANNA COLLINS (69-J-4), CHERLYN WHITNEY (69-J-5), CATHERINE GIBBS (69-J-6), DEBORAH ANN COLLINS (69-J-8), MARIA HARRIS (69-J-9), EDDIE WHITLEY (69-J-10), ALONZO EDWARD HOLLOWAY (69-J-30), EVELYN EVANGELINE GIBBS (69-J-11), ROSE MARY COLLINS (69-J-12), DEBRA ANN COLLINS (69-J-13), CATHERINE GIBBS (69-J-14), JULIE ANNA COLLINS (69-J-16), ELVIRA VASHTI WESTON (69-J-28), SUDIE BELL MCCULLOR (69-J-29), BARBARA BURRUS (68-J-4), WILLIAM BLOUNT (68-J-5), NEKOLA GREEN (68-J-6), SHARON HARRIS (68-J-7), SARAH ANNETTE WHITNEY (68-J-8), WALTER ANTHONY GREEN (68-J-9), DESSIE HARRIS (68-J-10), EVELYN GIBBS (68-J-11), RONNIE LEE TOPPING (68-J-12), TYRONE DUDLEY (68-J-13), THERESA BLOUNT (68-J-14), LINDA SUE GIBBS (68-J-15), PATRICIA COLLIN (69-J-27), DONALD WHITE (69-J-25), WILMA JOYCE WHITAKER (69-J-26), JAMES LAMBRETH HOWARD (68-J-3), ROSE MARY WHITNEY (69-J-15), CHERLYN D. WHITNEY (69-J-2), TRINA SELBY (69-J-7), ALONZO EDWARD HOLLOWAY (69-J-31)

* * * *

Before WARD J., Hyde County District Court, Juvenile Session, 9 January 1969. Appeal by ALL PARTIES LISTED IN THE CAPTION. (Filed C. A. 4-1-69)

* * * *

JUVENILE PETITION (Barbara Burrus) #69-J-17

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Barbara Burrus
Age 13
Box 83, Fairfield, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Lillie Mae Burrus	mother	Box 83, Fairfield, N.C.
David Burrus	father	Box 83, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the Public Highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child

such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3 day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69).

JUVENILE PETITION (Sarah Whitney) #69-J-18

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Sarah Whitney
Age 11
Rt. 1, Fairfield, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Sarah Spencer	Grandmother	Rt. 1, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and wilfully on November 14, 1968, stand upon the public highway or street in such a manner

so as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and controls as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Darlene McCoy) #69-J-19)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Darlene McCoy
Age 12
Rt. 1, Box 64,
Fairfield, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
James McCoy	Father	Rt. 1, Box 64 Fairfield, N.C.
Carol McCoy	Mother	Rt. 1, Box 64, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the Public Highway or street in such a manner so as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Nina Whitney) #69-J-20)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Nina Whitney
Age 14
Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Sarah Spencer	Grandmother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the highway or street in such a manner as to impede the regular flow or traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P. Williamston, N.C.

(Verified by Sgt. Willie Rogers, Petitioner, 1-3-69)

JUVENILE PETITION (Dorene Harris) #69-J-3)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Dorene Harris
Age 12
Rt. 1, Box 69-C-1
Fairfield, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alle[illegible]

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
James Burrus	Father	Rt. 1, Box 69-C-1 Fairfield, N.C.
Mellie Burrus	Mother	Rt. 1, Box 69-C-1 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3 day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Patricia Collins) #69-J-22

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Patricia Collins
Age 15
P.O. Box 122, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mary Edna Collins	Mother	P.O. Box 122 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on Nov. 14, 1968, stand upon the public highway or street in such a manner so as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3 day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P. Williamston, N.C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Dollie Gibbs) #69-J-23

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Dollie Gibbs
Age 14
Fairfield, N. C.

Sgt. Willie Rogers, petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less then sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Shirley Gibbs	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the public highway or street in such a manner so as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P. Williamston, N.C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Maria Harris) # 69-J-24

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Maria Harris
Age 14
Rt. 1, Box 69-C-1, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above

(whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mellie Burrus	Mother	Rt. 1, Box 69-C-1 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P. Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Trina Selby) #69-J-1

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Trina Selby
Age 14
Rt. 1, Box 60, Engelhard, N.C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. James Mackey, Jr.	Father	Rt. 1, Box 60 Engelhard, N.C.
Mrs. James Mackey, Jr.	Guardian	Rt. 1, Box 60 Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlaful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Dorene Harris) #69-J-3

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Dorene Harris
Age 12
Rt. 1, Box 69-C-1, Fairfield, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
James Harris Burrus	Father	Rt. 1, Box 69-C-1 Fairfield, N.C.
Janie B. Harris Mellie Burrus	Mother	Rt. 1, Box 69-C-1 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child

such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3 day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Julia Anna Collins) #69-J-4

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the matter of
Julia Anna Collins
Age 14
Rt. 1, Box 65C, Engelhard, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Pencie Cole Collins	Mother	Rt. 1, Box 65C, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Cherlyn Whitney) #69-J-5

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Cherlyn Whitney (Shirley D. Whitney)
Age 15
Fairfield, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Bob Whitley (Whitney)	Father	Fairfield, N.C.
Janie B. Whitney	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Catherine Gibbs) #69-J-6

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Catherine Gibbs
Age 15
Fairfield, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Shirley Gibbs	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Deborah Ann Collins) #69-J-8

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Deborah Ann Collins
Rt. 1, Box 65 C, Engelhard, N. C.
Age 11

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Pencie Collins	Mother	Rt., 1, Box 65C Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said

child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Marie Harris) #69-J-9

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Marie Harris
Age 14
Rt. 1, Box 69, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
James Burrus	Father	Rt. 1, Box 69 Fairfield, N.C.
Mellie Burrus	Mother	Rt. 1, Box 69, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and willfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Eddie Whitley) #69-J-10

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Eddie Whitley
Age 14
Fairfield, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Inna Farrow	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Alonzo Edward Holloway)
#69-J-30

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Alonzo Edward Holloway
Age 15
Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named

above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Johnny Midway	Father	Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Is unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 7th day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-7-69)

JUVENILE PETITION (Evelyn Evangeline Gibbs)
#69-J-11

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Evelyn Evangeline Gibbs
Age 12
Rt. 1, Box 37C, Engelhard, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. Pell Gibbs	Father	Rt. 1, Box 37C Engelhard, N.C.
Mrs. Pell Gibbs	Mother	Rt. 1, Box 37C, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said

child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Rose Mary Collins) #69-J-12

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Rose Mary Collins
Age 14
Box 175, Engelhard, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. Charles Weston	Father	Box 175, Engelhard, N.C.
Mrs. Charles Weston	Mother	Box 175, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Debra Ann Collins) #69-J-13

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Debra Ann Collins
Age 11
Rt. 1, Box 65, Engelhard, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Pencie C. Collins	Mother	Box 65, Rt. 1, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Catherine Ann Gibbs)
#69-J-14

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Catherine Ann Gibbs
Age 15
Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court of this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Shirley Gibbs	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. W. Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Julie Anna Collins) #69-J-16

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Julie Anna Collins
Age 14
Rt. 1, Box 65, Engelhard, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above

(whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Pencie C. Collins	Mother	Rt. 1, Box 65 Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the Court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Sudie Bell McCuller) #69-J-29

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Sudie Bell McCuller
Age 14
New Holland, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. Isiah McCuller	Father	New Holland, N.C.
Mrs. Isiah McCuller	Mother	New Holland, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child

such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N.C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Barbara Burrus)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Barbara Burrus
Age 14
Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
David Burrus	Father	Fairfield, N.C.
Lillie Mae Burrus	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on December 6, 1968 stand upon the highway or street in such a manner as to impede the regular flow of traffix, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (William Blount)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
William Blount
Age 14
Rt. 1, Box 369, Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Joe Lee Blount	Father	Rt. 1, Box 69 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully, on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68).

JUVENILE PETITION (Nekola Green)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Nekola Green
Rt. 1, Box 113, Swan Quarter, N. C.
Age 14

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of

the District Court for this County at the address shown above.

That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Etta Green	Grandmother	Rt. 1, Box 113 Swan Quarter, N.C.
Edom Green	Grandfather	Rt. 1, Box 113 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully, on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Sharon Harris) #68-J-7

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Sharon Harris
Age 14
P. O. Box 55, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Foraker Harris	Grandfather	P.O. Box 55, Fairfield, N.C.
Katie Harris	Grandmother	P.O. Box 55, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child

such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Sarah Annette Whitney)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Sarah Annette Whitney
Age 11
Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Sarah Spencer	Grandmother	Fairfield, N.C.

3. That the facts and circumstances supporting this petition for court action are as follows:

Did unlawfully and willfully, on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Walter Anthony Green)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Walter Anthony Green
Age 13
Rt. 1, Box 70, Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Emily Green	Grandmother	Rt. 1, Box 70 Swan Quarter, N.C.

3. The facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully, on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Dessie Harris)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Dessie Harris
Age 14
Rt. 1, Box 68A, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Arthur Harris	Grandfather	Rt. 1, Box 68A Fairfield, N.C.
Leone Harris	Grandmother	Rt. 1, Box 68A Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully, on Dec. 6, 1968, stand upon the highway in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N.C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Evelyn Gibbs)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Evelyn Gibbs
Age 12
Rt. 1, Box 37C, Engelhard, N.C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Pell Gibbs	Father	Rt. 1, Box 37C, Engelhard, N.C.
Ada Pearl Gibbs	Mother	Rt. 1, Box 37C, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said

child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. W. Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Ronnie Lee Topping) #68-J-12

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Ronnie Lee Topping
Age 14
Rt. 1, Box 104, Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Rosa Mackey	Mother	Rt. 1, Box 104 Swan Quarter, N.C.
Golden Mackey	Father	Rt. 1, Box 104 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flor of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 12-6-68)

JUVENILE PETITION (Tyrone Dudley) #68-J-13

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Tyrone Dudley
Age 14
Rt. 1, Box 139, Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Ella Dudley	Grandmother	Rt. 1, Box 139 Swan Quarter, N.C.
Daisey Dudley	Grandfather	Rt. 1, Box 139 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully, on Dec. 6, 1968, stand upon the highway in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 6th day of December, 1968.

/s/ SGT. W. ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Charles Smith, Petitioner, on 12-6-68)

JUVENILE PETITION (Theresa Blount) #68-J-14

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Theresa Blount
Age 15
Rt. 1, Box 69, Swan Quarter, N. C.

Sgt. Willie Rogers, S.H.P., Petitioner, having sufficient knowledge or information to believe that the child

named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Joe Lee Blount	Father	Rt. 1, Box 69 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and willfully on Dec. 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 13 day of December, 1968.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P.

(Verified by Sgt. Willie Rogers, Petitioner, on 12-13-68)

JUVENILE PETITION (Linda Sue Gibbs)

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Linda Sue Gibbs
Age 15
Rt. 1, Box 24, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Caleb Gibbs, Jr.	Father	Rt. 1, Box 24 Fairfield, N.C.
Hazel Gibbs	Mother	Rt. 1, Box 24, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and wilfully stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said

child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 16 day of December, 1968.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 12-16-68)

JUVENILE PETITION (Patricia Collins) #69-J-27

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Patricia Collins
Age 15
P.O. Box 122, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mary Edna Collins	Mother	P.O. Box 122 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and wilfully on December 6, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. Willie Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Donald White) #69-J-25

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Donald White
Age 15
Rt. 1, Box 149, Swan Quarter, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Harry Gibbs	Uncle	Rt. 1, Box 149 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 18, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Wilma Joyce Whitaker)
#69-J-26

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Wilma Joyce Whitaker
Age 14
Rt. 1, Box 188, Swan Quarter

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child names above

(whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Erma Blount	Aunt	Rt. 1, Box 188 Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 18, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (James Lambert Howard)
#68-J-3

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
James Lambert Howard
Age 15
P.O. Box 222, Engelhard, N. C.

Clyde Fentress, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Thad Howard	Father	P.O. Box 222 Engelhard, N.C.
Pearl Howard	Mother	P.O. Box 222 Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

1. Did unlawfully and willfully on December 5, 1968, make rude and/or riotous noises and become disorderly in/or near a public building, to-wit: O. A. Peay School, Swan Quarter, N. C., the property of Hyde County Board of Education, in violation of GS 14-132. 2. Did unlawfully and willfully on said date above alleged interrupt and disturb a public school to-wit: O. A. Peay School, Swan Quarter, N. C., and did deface said school furniture while said school was in regular session on December 5, 1968, in violation of GS 14-273.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 5th day of December, 1968.

/s/ C. O. Fentress S.B.I.
Petitioner
Washington, North Carolina

(Verified by C. O. Fentress, Petitioner, on 12-5-68)

JUVENILE PETITION (Rose Mary Whitney) #69-J-15

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Rose Mary Whitney
Age 15
P.O. Box 166, Fairfield, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. George Whitney	Father	P.O. Box 166 Fairfield, N.C.
Mrs. George Whitney	Mother	P.O. Box 166 Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawfully and wilfully on November 13, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P., Williamston, N. C.

(Verified by Sgt. W. Rogers, Petitioner, on 1-3-69)

JUVENILE PETITION (Shirley Whitley (Whitney))
#69-J-2

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Shirley Whitley (Whitney)
Fairfield, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Bob Whitley (Whitney)	Father	Fairfield, N.C.
Janie B. Whitney	Mother	Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the public highway or street in such a manner so as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
State Highway Patrol
Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Trina Selby) #69-J-7

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Trina Selby
Age 14
Rt. 1, Box 60, Engelhard, N. C.

I, Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Mr. James Mackey, Jr.		Rt. 1, Box 60 Engelhard, N.C.
Mrs. James Mackey, Jr.	Guardian	Rt. 1, Box 60 Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, stand upon the highway or street in such a manner as to impede the regular flow of traffic in violation GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3rd day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69)

JUVENILE PETITION (Alonzo Edward Holloway)
#69-J-31

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Alonzo Edward Holloway
Age 15
Swan Quarter, N. C.

Sgt. Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Johnny Holloway	Father	Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows: Did unlawful and wilfully on November 22, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 7th day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P., Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-7-69)

JUVENILE SUMMONS (Barbara Burrus #68-J-4)

TO: David Burrus, Father	Fairfield, N. C.
Lillie Mae Burrus, Mother	Fairfield, N. C.
Child, Parents, Other Person having custody	Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Sarah Annette Whitney #68-J-8)

TO: Sarah Spencer, Grandmother — Fairfield, N.C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition Alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Darlene McCoy #69-J-19)

TO:	James McCoy	Rt. 1, Box 64, Fairfield, N. C.
	Carol McCoy	Rt. 1, Box 64, Fairfield, N. C.
Child, Parents, Other Person having custody		Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Nina Whitney #69-J-20)

To: Sarah Spencer Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of
January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Dorene Harris #69-J-3)

TO: Mellie Burrus Rt. 1, Box 69-C-1, Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Patricia Collins #69-J-22)

TO: Mary Edna Collins P.O. Box 122, Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Dollie Gibbs #69-J-23)

TO: Shirley Gibbs — Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of January, 1969,
For action by the court on the Petition Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Marie Harris #69-J-9)

TO: Mellie Burrus Rt. 1, Box 69, Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Trina Selby #69-J-1)

TO: Mr. James Mackey, Jr. Rt. 1, Box 60
Engelhard, N. C.

Mrs. James Mackey, Jr. Rt. 1, Box 60
Engelhard, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-8-69)

JUVENILE SUMMONS (Dorene Harris #69-J-21)

TO: Mellie Burrus Rt. 1, Box 69-C-1, Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of
January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior
Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Julia Anna Collins #69-J-4)

TO: Pencie Cola Collins — Rt. 1, Box 65C Engelhard, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Shirley Whitley (Shirley D. Whitney) #69-J-2)

TO: Bob Whitley (Whitney) Fairfield, N. C.

Janie B. Whitney Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-8-69)

JUVENILE SUMMONS (Catherine Gibbs #69-J-6)

TO: Shirley Gibbs — Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Deborah Ann Collins #69-J-8)

TO: Pencie Collins Rt. 1, 65C, Engelhard, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of
January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior
Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Marie Harris #69-J-24)

TO: Mellie Burrus Rt. 1, Box 69-C-1, Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of
January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Eddie Whitley #69-J-10)

TO: Inna Farrow — Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Alonzo Edward Holloway #69-J-30)

TO: Johnny Holloway Swan Quarter, N. C.

Child, Parents, Other Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be deal with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 7th day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service 1-8-69)

JUVENILE SUMMONS (Evelyn Gibbs #68-J-11)

TO: Pell Gibbs, Father — Rt. 1, Box 37C Engelhard, N. C.

Ada Pearl Gibbs, Mother — Rt. 1, Box 37C Engelhard, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day
of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Rose Mary Collins #69-J-12)

TO: Mrs. Charles Weston Box 175, Engelhard, N. C.

Mr. Charles Weston Box 175, Engelhard, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, yau may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the Superior Court

(RETURNED showing service January, 19___)

JUVENILE SUMMONS (Debra Ann Collins #69-J-13)

TO: Pencie C. Collins, Box 65, Rt. 1, Engelhard, N. C.

Child, Parents, Other
Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Catherine Ann Gibbs #69-J-14)

TO: Shirley Gibbs — Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (Julie Anna Collins #69-J-16)

TO: Pencie C. Collins Rt. 1, Box 65, Engelhard, N. C.

Child, Parents, Other Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3 day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Elvira Vashti Weston #69-J-28)

TO: Victoria Weston Rt. 1, Box 75, Engelhard, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9th day of
January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service January, 1969)

JUVENILE SUMMONS (Sudie Bell McCuller) #69-J-29)

TO: Mr. and Mrs. Isiah McCuller New Holland, N. C.

Child, Parents, Other Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Barbara Burrus #69-J-17)

TO: Lillie Mae Burrus — Box 83, Fairfield, N. C.

David Burrus — Box 83, Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock A.M., on the 9 day of January, 1969,
For action by the court on the Petition, Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3 day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-6-69)

JUVENILE SUMMONS (William Blount #68-J-5)

TO: Joe Lee Blount, Father — Rt. 1, Box 69, Swan Quarter, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-8-68)

JUVENILE SUMMONS (Nekola Green #68-J-6)

TO: Etta Green, Grandmother — Rt. 1, Box 113, Swan Quarter, N. C.

Edom Green, Grandfather — Rt. 1, Box 113, Swan Quarter, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Sharon Harris #68-J-7)

TO: Foraker Harris, Grandfather — P.O. Box 55, Fairfield, N. C.

Katie Harris, Grandmother — P.O. Box 55, Fairfield, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Sarah Whitney #69-J-18)

TO: Sarah Spencer Rt. 1, Fairfield, N. C.

Child, Parents, Other
Person having custody Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 9:30 o'clock, A.M., on the 9 day of January, 1969,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service 1-7-69)

JUVENILE SUMMONS (Walter Anthony Green #68-J-9)

TO: Emily Green, Grandmother — Rt. 1, Box 70, Swan Quarter, N. C.

Child, Parents, Other Person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18 day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ----------, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service by Charlie Garawan, Deputy Sheriff (NO DATE))

JUVENILE SUMMONS (Dessie Harris #68-J-10)

TO: Arthur Harris, Grandfather	Rt. 1, Box 68A, Fairfield, N. C.
Leona Harris, Grandmother	Rt. 1, Box 68A, Fairfield, N. C.
Child, Parents, Other Person having custody	Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina,
At 10:00 o'clock, A.M., on the 18th day of December, 1968,
For action by the court on the Petition,
Alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service 12-6-68)

JUVENILE SUMMONS (Evelyn Evangeline Gibbs, No. 69-J-11)

TO: Mr. Pell Gibbs Rt. 1, Box 37C, Engelhard, N. C.

Mrs. Pell Gibbs Rt. 1, Box 37C, Engelhard, N. C.

(Child, Parents, Other Person having custody)

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9 day of January, 1969, For action by the court on the Petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3 day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk Superior Court

(RETURNED showing service on 1-7-69)

(JUVENILE SUMMONS (Ronnie Lee Topping, No. 68-J-12)

TO: Rosa Mackey, Mother — Rt. 1, Box 104, Swan Quarter, N. C.

Golden Mackey, Father — Rt. 1, Box 104, Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, At 10:00 o'clock, a.m., on the 18 day of December, 1968, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk Superior Court

(RETURNED showing service on 12-11-68)

JUVENILE SUMMONS (Tyrone Dudley, No.)

TO: **Ella Dudley, Grandmother** Rt. 1, Box 139, Swan Quarter, N. C.

Daisey Dudley, Grandfather Rt. 1, Box 139, Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 10:00 o'clock, a.m., on the 18 day of December, 1968, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ....., is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 6th day of December, 1968.

W. ALLEN CREDLE
Clerk Superior Court

(RETURNED showing service on 12-7-68)

JUVENILE SUMMONS (Theresa Blount, No. 68-J-14)

TO: Joe Lee Blount, Father — Rt. 1, Box 69, Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, At 9:30 o'clock, a.m., on the 19 day of December, 1968, For action by the court on the petition alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 13 day of December, 1968.

LENORA R. BRIGHT
Assistant Clerk of the
Superior Court

(RETURNED showing service on 12-13-68)

JUVENILE SUMMONS (Linda Sue Gibbs, No. 68-J-15)

TO: Caleb Gibbs, Jr., Father — Rt. 1, Box 24, Fairfield, N. C.

Hazel Gibbs, Mother — Rt. 1, Box 24, Fairfield, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 19 day of December, 1968, for action by the court of the petition alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or ....., is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 16 day of December, 1968.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 12-16-68)

JUVENILE SUMMONS (Patricia Collins, No. 69-J-27)

TO: Mary Edna Collins, P.O. Box 122, Fairfield, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above cases before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9 day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-7-69)

JUVENILE SUMMONS (Donald White, No. 69-J-25)

TO: Harry Gibbs, Uncle — Rt. 1, Box 149, Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9 day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-7-69)

JUVENILE SUMMONS (Wilma Joyce Whitaker, No. 69-J-26)

TO: Erma Blount, Aunt — Rt. 1, Box 188, Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9 day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-7-69)

JUVENILE SUMMONS (James Lembert Howard, No. 68-J-3)

TO: James Lembert Howard — P.O. Box 222, Engelhard, N. C.

Thad Howard — P.O. Box 222, Engelhard, N. C.

Pearl Howard — P.O. Box 222, Engelhard, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 11:00 o'clock, a.m., on the 11th day of December, 1968, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The sheriff of the county named above, or _____, is hereby directed to serve this summons by reading the summons to and leaving true copies thereof with the persons summoned.

This 5th day of December, 1968.

W. ALLEN CREDLE
Clerk of the Superior Court

(RETURNED showing service on 12-5-68)

JUVENILE SUMMONS (Rose Mary Whitney, No. 69-J-15)

TO: Mr. George Whitney — P. O. Box 166, Fairfield, N. C.

Mrs. George Whitney, — P. O. Box 166, Fairfield, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9th day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The sheriff of the county named above, or ----------, is hereby directed to serve this summons by reading the summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-6-69)

JUVENILE SUMMONS (Cherlyn Whitney (Shirely D. Whitney), No. 69-J-5)

TO: Bob Whitley (Whitney) Fairfield, N. C.

Janie M. Whitney, Fairfield, N. C.

Child, Parents, Other
Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9 day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The sheriff of the county named above, or _____, is hereby directed to serve this summons by reading the summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-8-69)

JUVENILE SUMMONS (Trina Selby, No. 69-J-7)

TO: Mr. James Mackey, Jr. Rt. 1, Box 60
Engelhard, N. C.

Mrs. James Mackey, Jr. Rt. 1, Box 60
Engelhard, N. C.

Child, Parents, Other
Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9th day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The sheriff of the county named above, or .....,
is hereby directed to serve this summons by reading the summons to and leaving true copies thereof with the persons summoned.

This 3rd day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-8-69)

JUVENILE SUMMONS (Alonzo Edward Holloway, No. 69-J-31)

TO: Johnny Holloway Swan Quarter, N. C.

Child, Parents, Other Person having custody

YOU ARE SUMMONED TO A HEARING in the above case before the judge of the District Court presiding at a session to be held

In Swan Quarter, North Carolina, at 9:30 o'clock, a.m., on the 9th day of January, 1969, for action by the court on the petition, alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The sheriff of the County named above, or _____, is hereby directed to serve this summons by reading the summons to and leaving true copies thereof with the persons summoned.

This 7th day of January, 1969.

LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

(RETURNED showing service on 1-8-69)

ORDER AMENDING JUVENILE PETITIONS (Barbara Burrus, No. 68-J-4)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 10th day of Jan., 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and wilfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did wilfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Sarah Annette Whitney, No. 68-J-8)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Dec. 6, 1968, the defendant above named did intentionally, unlawfully, and wilfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Darlene McCoy, No. 69-J-19)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Nina Whitney, No. 69-J-20)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Dorene Harris, No. 69-J-3)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a state highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Patricia Collins, No. 69-J-22)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Dollie Gibbs, No. 69-J-23)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Marie Harris, No. 69-J-9)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Trina Selby, No. 69-J-1)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Dorene Harris, No. 69-J-21)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon the said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Julia Anna Collins, No. 69-J-4)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes f North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Shirley Whitley (Whitney), No. 69-J-2)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Catherine Gibbs, No. 69-J-6)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Deborah Ann Collins, No. 69-J-8)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Marie Harris, No. 69-J-24)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Eddie Whitley, No. 69-J-10)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Alonzo Edward Holloway, No. 69-J-30)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile Cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force sam in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Evelyn Gibbs, No. 68-J-11)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Dec. 6, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Rose Mary Collins, No. 69-J-12)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Debra Ann Collins, No. 69-J-13)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20.174-1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Catherine Ann Gibbs, No. 69-J-14)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Julie Anna Collins, No. 69-J-16)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174-1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Elvira Vashti Weston, No. 69-J-28)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Sudie Bell McCuller, No. 69-J-29)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 13, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Barbara Burrus, No. 69-J-17)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (William Blount, No. 68-J-5)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the County named above on or about Dec. 6, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Nekola Green, No. 68-J-6)

The above captioned case being called at the term of District Court of Hyde County called for the trial of juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this petition for court action as follows:

That at and in the county named above on or about Dec. 6, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State."

HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Sharon Harris, No. 69-J-7)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Sarah Whitney, No. 69-J-18)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 14, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Walter Anthony Green, No. 68-J-9)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6th, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Dessie Harris, No. 68-J-10)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Evelyn Evangeline Gibbs, No. 69-J-11)

The above captioned case being called at the Term of District Court of Hyde County called for the trial of Juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 13, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Ronnie Lee Topping, No. 68-J-12)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1969 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Tyrone Dudley, No. 68-J-13)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6 1969 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operation upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Theresa Blount, No. 68-J-14)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Linda Sue Gibbs, No. 68-J-15)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Patricia Collins, No. 69-J-27)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Donald White, No. 69-J-25)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 18, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Wilma Joyce Whitaker, No. 69-J-26)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 18, 1968 the defendant above named did intentionally, unlawfully and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (James Lembert Howard)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action are as follows:

That at and in the County named above on or about December 5, 1968 the defendant named above did unlawfully, willfully and intentionally and did knowingly, willfully and unlawfully interrupt and disturb the O. A. Peay School, the same being a public school owned and operated by the Board of Education of Hyde County, and located in the community of Swan Quarter, North Carolina, and being a public building, by uttering rude and riotous noises and shouts and by engaging in acts of disorderly conduct in and near said public school building, owned and operated by the Board of Education of Hyde County, which said unlawfully, rude and riotous noises, shouts and other disorderly conduct in and near public school building interrupted and disturbed the operation of said public school.

And, the said Clyde Fentress, complainant as aforesaid, upon oath further alleges that the said defendant, James Lembert Howard, did further interrupt and disturb operation of a public school operated by the Board of Education of Hyde County, the same being the O. A. Peay School, of the Community of Swan Quarter, by engaging in disorderly acts and conduct in and near said public school by seizing and scattering the papers, books and other equipment of said school and by defacing, injuring and damaging the public school furniture and other educational equipment of the said O. A. Peay School, owned and operated by the Board of Education of Hyde County, all of which occurred while said public

school was in regular session and performing the educational functions administered by said Board of Education.

All of the above riotous and disorderly interruptions and disturbances being contrary to the statutes made and provided, the same being Sections 14-132 and 14-273 of the General Statutes of North Carolina, and contrary to the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Rose Mary Whitney, No. 68-J-15)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Cherlyn Whitney (Shirley D. Whitney), No. 69-J-5)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 9th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 12, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Trina Selby, No. 69-J-7)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 12, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

ORDER AMENDING JUVENILE PETITIONS (Alonzo Edward Holloway, No. 69-J-31)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 10th day of January, 1969, prior to any other proceedings in the case, on motion by the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 22, 1968 the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willlfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

SUMMARY OF EVIDENCE:

IN RE: BARBARA BURRUS—69-J-17
SARA WHITNEY—69-J-18
DARLENE McCOY—69-J-19
NINA WHITNEY—69-J-20
DORENE HARRIS—69-J-21
PATRICIA COLLINS—69-J-22
DOLLIE GIBBS—69-J-23 and
MARIE HARRIS—69-J-24

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 9, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles were represented by James E. Ferguson, II, Esq. The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 69-J-17 through 69-J-24, inclusive, be consolidated for hearing, findings and disposition. Motion allowed. The Solicitor moved that the third paragraph of the Petition in these cases, 69-J-17 through 69-J-24, inclusive, be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. EXCEPTION No. 1. Upon the call of the above enumerated matters for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles, their parents or guardians, and witnesses should be present for the hearing. The attorney for the juveniles objected. Objection Overruled. EX-

CEPTION NO. 2. Each child was accompanied by his or her mother or grandmother.

The attorney for the juveniles moved to dismiss the petition for each juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et. seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juveniles of equal protection and due process of law. Motion denied. EXCEPTION NO. 3.

Mr. Ferguson requested a jury trial. Motion denied. EXCEPTION NO. 4.

COURT: I have stated on several occasions, and in the presence of at least some of you, that this will not be a criminal trial. This will be a Juvenile Hearing and, in no event, will any child be found to have committed a crime. Our statutes provide in part that sessions of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine.

In the hearing of any case the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court but such record shall be open to inspection by the parents, guardians or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication nor shall any such adjudication be denominated a conviction." Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions the Court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances

disclosed in the case. Moreover, any Order of Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words and to summarize, this is not a criminal case but is a hearing to determine whether these children or any of them are delinquent and in need of the protection and guidance of the State.

SGT. CHARLES SMITH testified:

DIRECT EXAMINATION (By Mr. Small)

I am Sgt. Charles Smith, employed by the North Carolina Highway Patrol. On November 14, 1968, I had occasion to see Barbara Burrus, Sara Whitney, Darlene McCoy, Nina Whitney, Dorene Harris, Patricia Collins, Dollie Gibbs and Maria Harris. The first time I saw them was just prior to noon. It was just a few minutes before noon as the arrests were made at 12:05 P. M., November 14, 1968. When I saw them they were marching from the courthouse towards U. S. Highway 264 business. They were on the southern shoulder marching west, facing oncoming traffic. I observed them marching in this fashion about a mile. There were other persons in the company of these respondents. They were all marching down Highway 264 towards the courthouse. I observed the group for approximately 30 minutes. In my opinion, there were approximately 40 or 45 people in the group. All the juveniles I have referred to were taken into custody and 26 additional persons were taken into custody.

Q Were these adults? Were the other 26 between the ages of 16 and 21?

Objection. Overruled.

A There were 11 more juveniles.

By juveniles I mean persons under 16. There was no one under 21 taken into custody.

Q Can you give any reason why the remaining 6 or 7 were not taken into custody?

Objection. Overruled.

A Yes sir. They were known to be juveniles and were released.

The eight juveniles involved in this case gave us ages from 16 to 18. Patricia Collins gave the birth date 1/19/52; Barbara Burrus gave the birth date 5/5/52; Dorene Harris gave the birth date 10/15/52; Nina Whitney gave the birth date of 4/13/51; Darlene McCoy gave the birth date 1/16/54; Sara Whitney gave the birth date of 1/5/52; Dolly Gibbs gave the birth date of 7/27/51 and Maria Harris gave the birth date of 11/6/52.

After taking them into custody and placing them under arrest on the basis of the ages they gave me and prior to this hearing I made an effort to ascertain their correct date of birth.

Objection. Overruled.

Some of these came in and said they were younger than they had previously advised. Part were looked up in the Court records. The date of birth of each juvenile is as follows:

Barbara Burrus, 5/5/54; Dorene Harris, 10/15/56; Nina Whitney, 4/15/54; Sara Whitney, 1/5/57; Dolly Gibbs, 7/27/54; and Maria Harris is 14 years of age.

These eight juveniles and others marched down the street to the courthouse and walked out into the street and started playing basketball and blocked traffic. They were playing basketball in front of the courthouse on highway 264 business here in Swan Quarter. They blocked traffic at least one vehicle from each direction. The traffic came to a complete halt. There was a red truck coming west that turned around and went in an easterly direction. There was at least one other vehicle proceeding in the opposite direction. I do not recall the type of vehicle.

Q Prior to this date, had these same individuals been involved in any similar type of conduct?

Objection. Overruled. EXCEPTION NO. 5

A Yes, some had, Patricia Collins, twice; Barbara Burrus, at least one other time; Dorene Harris, at least two other times; Nina Whitney, one other time; Darlene McCoy, one other time; Sara Whitney, one other time;

Dollie Gibbs, one other time; Maria Harris, two other times.

Motion to strike. Motion denied. EXCEPTION NO. 6.

They remained in the street, blocking traffic several minutes, I can't tell exactly how many minutes. We waited until traffic came and then we made the arrests, after the traffic had stopped. While I was waiting for the traffic to come, they were in the intersection here at the courthouse playing basketball. At different times, they just blocked the westbound lane of the intersection, and later on they blocked both lanes. The lanes are paved and are 24 feet wide, a lane for traffic in each direction. The shoulder on the north side of the highway is 10 feet or so wide. The shoulder on the other side is a gas station yard. When these defendants and others were in both lanes, traffic could not go around. They were blocking both lanes of traffic, laughing, hollering and playing basketball, passing it back and forth. The two vehicles detained were only detained a brief time before I could clear the streets. I do not remember whether the occupants got out of the cars. The street was cleared so that traffic could resume its normal flow, by taking these people into custody and marching them to the jail. This was done by a squad of state troopers, under my direction. When they were taken into custody, I said something to the group.

Q What electronic aid did you use?

Objection. Overruled.

A A battery powered microphone that was necessary in order to be heard. The group was singing, clapping their hands and hollering. With the aid of the battery powered microphone, I told the group two or three times to clear the street. After I told them this, I told the group that they were under arrest for blocking traffic. I then summoned the squad of troopers. The squad was in front of the courthouse some distance away from where the group and I were standing. They remained in the center of the road blocking traffic while the squad approached, and remained there until the squad arrived. After the squad arrived, we circled the group and moved

them from the intersection to the jail. There were eight men in the squad, plus myself and Sgt. Rogers.

Q Were any members of the Sheriff's Department present at that time?

Objection. Overruled. EXCEPTION NO. 7.

A Yes sir. There was the Sheriff and two deputies. The Sheriff and his deputies did not assist, but were present if needed.

Q Had you requested them to be present or had they requested you to be present?

Objection. Overruled. EXCEPTION NO. 8.

A They had asked us.

I was first on duty in Hyde County, September 11th.

Q Other than the group of approximately 40 that participated in the activities you have described, were there any other people in the vicinity, other than law enforcement officers?

Objection. Overruled. EXCEPTION NO. 9.

A Yes. There were people in the gas station.

Q During the course of the demonstration when these juveniles involved in these cases were taken into custody, was there any statement by any in the group or any placards giving reason for which they were blocking the street or any cause for which they might be crusading?

Objection. Overruled. EXCEPTION NO. 10.

A Yes.

CROSS EXAMINATION

When the Solicitor asked me earlier whether or not any of these respondents had been involved in similar incidents, I used something to refresh my recollection. I used a list plus some warrants. I do not know whether any of them have been brought to trial. On this occasion, I only saw one basketball. The entire group was playing basketball. Sometimes they covered the entire width of the road. There were approximately 40 to 50 persons that were standing in a group, more or less in a circle. I know the relative positions of these defendants in the group. The majority of them were in the westbound lane. I am using pictures to refresh my recol-

lection on this. I am not able to identify each of these respondents in these pictures. These pictures do not reflect the entire portion of the road. They do not reflect that the entire paved portion was covered. The majority of these respondents were in the westbound lane. The ones that I can identify from this picture I cannot identify any of the respondents as to name, as to face, I can. I agree that they don't all show up on the picture. The period of time that oncoming traffic paused was very brief. I cannot tell the minutes the traffic was blocked—the one vehicle traveling west was blocked long enough that it turned around and went back in the other direction. When these respondents were arrested, they were placed under arrest for violation of the criminal law. The ones that "pre-fabricated" their ages were locked up. They were locked up for different periods of time. Bond was set in each of these cases.

REDIRECT EXAMINATION

None of these juveniles were held in custody after they gave their correct ages and this was verified.

Q It was only while you were under the mistaken impression about their ages that they were held in custody, is that correct.

Objection. Overruled. EXCEPTION NO. 11.

A Yes.

Q After the group formed in the street and so occupied the street that all traffic on both traffic lanes was blocked, did the group permit any traffic to pass until after they were placed under arrest and taken into custody?

Objection. Overruled. EXCEPTION NO. 12.

A Yes. A vehicle may have passed going west.

Q I mean after they got in the roadway.

A No sir.

Mr. Small: The State rests.

Mr. Ferguson: All of the juveniles move that the cases against them be dismissed as a nonsuit on the grounds that the juvenile statutes are unconstitutional and that they have violated no law.

COURT: Motion denied. EXCEPTION NO. 13.

We renew our motion to dismiss. Motion denied. EXCEPTION NO. 14.

The Court entered the following orders:

ORDER OF COMMITMENT AND PROBATION (Barbara Burras, No. 6-J-17)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Lillie Mae Burras—her mother—the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Fergerson II, Esq., Attorney of Record; and it having been agreed to by the said James E. Fergerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-18; 69-J-19; 69-J-20; 69-J-21; 69-J-22; 69-J-23; 69-J-24, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14 day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of GC 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the

State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Barbara Burras be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Sara Whitney, No. 6-J-18)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Sara Spencer—her grandmother, (Her mother was in New York and the whereabouts of her father was unknown), the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of Record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-19; 69-J-20; 69-J-21; 69-J-22; 69-J-23; 69-J-24, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Sara Whitney be, and she is hereby committed to the custody of the Hyde County Depart-

ment of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Darlene McCoy, No. 69-J-19)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Clara McCoy, her

grandmother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of Record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-18; 69-J-20; 69-J-21; 69-J-22; 69-J-23; 69-J-24; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Darlene McCoy be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon

probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9 day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Nina Whitney, No. 69-J-20)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Sara Spencer, her grandmother—her mother being in New York—the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-18; 69-J-19; 69-J-21; 69-J-22; 69-J-23; 69-J-24, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way preju-

dicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14 day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Nina Whitney be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening;

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9 day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Dorene Harris, No. 69-J-21)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Mellie Burras—her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-18; 69-J-19; 69-J-20; 69-J-22; 69-J-23; 69-J-24; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be pun-

ished by law; and it further appearing to the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent.

It is now, therefore, ORDERED, ADJUDGED and DECREED that Dorene Harris be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening;
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Patricia Collins, No. 69-J-22)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Mary Edna Collins—her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-18; 69-J-19; 69-J-20; 69-J-21; 69-J-23; 69-J-24; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Patricia Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the

superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening;
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Dollie Gibbs, No. 69-J-23)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Shirley Gibbs—her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this

matter should be consolidated with 69-J-17; 69-J-18; 69-J-19; 69-J-20; 69-J-21; 69-J-22; 69-J-24; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Dollie Gibbs be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated

agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock P. M. each evening;

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Maria Harris, No. 69-J-24)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Mellie Burras—her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-17; 69-J-18; 69-J-19; 69-J-20; 69-J-21; 69-J-22; 69-J-23; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14th day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede

traffic and did in fact stop and impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic; and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Maria Harris be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening;
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9 day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. EXCEPTION NO. 15.

APPEAL ENTRY

COURT: Do you wish to note any appeal?

MR. FERGUSON: Yes, and I would like 60 days in which to prepare the case on appeal.

COURT: I am afraid that this is too much time, too much time under the rules.

MR. FERGUSON: I would also like to be allowed to proceed in forma pauperis.

COURT: I am afraid that I cannot allow that simply upon your request. We should examine the statutes, however; I am willing, if I can, to allow you to proceed without an appeal bond. EXCEPTION NO. 16.

MR. FERGUSON: You might permit me to have the parents sworn and treat the testimony as an affidavit.

COURT: I am afraid that I cannot do that. EXCEPTION NO. 17. I am going to suggest that you dictate your own appeal entries in whatever fashion you deem appropriate and I will sign whatever you dictate.

MR. FERGUSON: The respondent and his or her parents or guardian in open Court, by and through his counsel, give notice of appeal to the North Carolina Court of Appeals. Each of the respondents and his or her parents or guardian moves the court for leave to proceed on the appeals in forma pauperis alleging that each respondent and his parents are indigent and unable to pay cost of appeal, and request that the State bear the expense of the cost of transcript. The juveniles are given 60 days within which to make up and serve their case on appeal upon the State. The State is allowed 30 days therefrom to make up and serve countercase or exceptions. The time for docketing the case is hereby extended ten days beyond the 90 days statutory period.

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 9,

1969, at a regularly calendared session of Juvenile Court in Hyde County.

This the ..... day of March, 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE:

IN RE: TRINA SELBY—69-J-1
DORENE HARRIS—69-3
JULIA ANNA COLLINS—69-J-4
CHERLYN WHITNEY—69-J-5
CATHERINE GIBBS—69-J-6
DEBORAH ANN COLLINS—69-J-8
MARIA HARRIS—69-J-9
EDDIE WHITLEY—69-J-10 and
ALONZO EDWARD HOLLOWAY—69-J-30

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 9, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles were represented by James E. Ferguson, II, Esq. The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 69-J-1, 69-J-3, 69-J-4, 69-J-5, 69-J-5, 69-J-6, 69-J-8, 69-J-10 and 69-J-30, inclusive, be consolidated for hearing, findings and disposition. Motion

allowed. The solicitor moved that the third paragraph of the petition in these cases 69-J-1, 69-J-3, 69-J-4, 69-J-5, 69-J-6, 69-J-8, 69-J-9, 69-J-10 and 69-J-30, inclusive, be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. (EXCEPTION NO. 18). Upon the call of the above enumerated matters for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles, their parents or guardians, and witnesses should be present for the hearing. The attorney for the juveniles objected. Objection overruled. (EXCEPTION NO. 19). Each child was accompanied by his or her mother or grandmother.

The attorney for the juveniles moved to dismiss the Petition for each juvenile on the grounds that the juvenile statutes of North Carolina, N.C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juveniles of equal protection and due process of law. Motion denied. (EXCEPTION NO. 20).

Mr. Ferguson requested a jury trial. Motion denied. (EXCEPTION NO. 21).

COURT: As I have advised previously, this is a session of Juvenile Court and is not a criminal hearing. That is why I have excluded the general public. I want to read to you from our General Statutes that provide in part as follows: that sessions of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine. In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court, and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child

concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether these children or any of them are delinquent and in need of the protection and guidance of the state.

SERGEANT CHARLES SMITH

DIRECT EXAMINATION (By Mr. Small)

I am Sgt. Charles Smith and I am employed by the North Carolina State Highway Patrol. I was in Hyde County on November 12, 1968. At that time I had the opportunity to see Trina Selby, Dorene Harris, Julia Anna Collins, Cherlyn Whitney, Katherine Gibbs, Debra Ann Collins, Maria Harris, Eddie Whitley and Alonzo Edward Holloway. I first saw them before noon on U. S. 264 business by-pass. It was approximately 11:00 A.M. Highway 264 business is here in Swan Quarter. I observed this group marching toward the courthouse at an earlier time. When I first saw them, they were about a mile from the courthouse. They were marching in a westward direction on the left shoulder facing traffic. A few of them were on the pavement. The group consisted of twenty-six persons plus. They continued to march on the lefthand side of the road until they arrived in Swan

Quarter. When they arrived in Swan Quarter, they went to the courthouse where they sang and chanted. This was in front of the parking lot, on the sidewalk and the courthouse steps. This continued, I would say, fifteen or twenty minutes. Then they started marching back east until they reached a point near the church. That is a brick church, I believe the Methodist Church. It is a couple of blocks from the courthouse.

When they got to a point in the vicinity of the Church, they walked into the roadway, about twenty-six in the roadway. When they got in the roadway, they milled about—just stood there. They stood on the highway several minutes. I don't remember just how long. The traffic was blocked from both directions before the arrests were made. My car was blocked and the patrol car behind my car was blocked. At that point the paved portion of the highway is about twenty-one feet wide. There is a lane of travel in each direction and shoulders on each side of the paved portion of the highway. The shoulders are about twelve feet or so wide.

When this group occupied the highway, traffic proceeding west could not pass the group without doing personal injury to them. Traffic could not proceed east without doing personal injury to them. Traffic in each direction stopped while the group was dispersed across the highway. I would say traffic remained held up about ten minutes. After my vehicle came to rest, I attempted to have these people move from the traveled portion of the highway with a loud speaker. I personally asked them to get off the highway. They did not move. I used a loud speaker to be heard.

Q Was there any noise out there to prevent you from being heard if you spoke in a normal voice?

OBJECTION—OVERRULED (EXCEPTION NO. 22)

A Yes, sir.

The noise consisted of singing, shouting and clapping hands.

Q Was there singing, clapping hands and shouting by the group of nine juveniles before the Court now?

OBJECTION—OVERRULED. (EXCEPTION NO. 23)

A I will have to say that they were in the group that was singing, shouting and clapping hands. So far as I can say, most of the group participated in singing, shouting and clapping of hands. There were twenty-six plus in the group and twenty-six were taken into custody. I can't say they were all clapping their hands.

Q The majority of them?

OBJECTION—OVERRULED (EXCEPTION NO. 24)

A Yes.

They were singing and chanting and the nine juveniles were in the group at that time. I requested them to clear the highway for traffic two or three times. They did not clear the highway until they were placed under arrest. I signaled the troopers in placing them under arrest. The troopers were at the courthouse about two blocks away. The troopers traveled to the scene by patrol car. They got in the patrol car after I signaled for them and drove up where I was. They got out of the patrol car. The squad was formed and walked the people off the highway. The squad withdrew them to the opposite shoulder of the highway.

Q When they were marched across to one shoulder, did you make any statement to them about keeping the highway clear?

OBJECTION—OVERRULED (EXCEPTION NO. 25)

A Yes. I informed them they would be arrested if they continued to block traffic.

There were vehicles blocked from both directions. I don't know how many. They were detained a matter of minutes. When the group was placed under arrest I told them they were being arrested for blocking traffic. The squad moved in and placed the people in patrol cars and took them to the courthouse. I did not have any difficulty with the ones I put in my car. No trouble with any of these nine before the Court. Others in the group did give trouble. There were twenty-six arrested at the time. All of them said they were sixteen or over. Julia Collins said

she was born 3/15/52. Debra Collins said she was born 4/11/52. Dorene Harris said she was born 2/15/52. Cherlyn Whitney said she was born 9/19/52. Maria Harris said she was born 11/5/52. Trina Selby said she was born 2/13/51. Katherine Gibbs said she was born 8/1/51. Eddie Whitley said he was born 9/11/52. Alonzo Holloway said he was born 9/13/52. On the basis of what they told me, I placed them under arrest for violation of General Statute 20-174.1. I later ascertained their correct ages. Julia Collins' birth date was 12/22/54; Dorene Harris 10/15/56; Maria Harris was 12/17/54; Debra Collins 2/25/57; Eddie Whitley 2/25/54. I do not have the ages of Trina Selby, Katherine Gibbs and Alonzo Holloway.

CROSS EXAMINATION (By James E. Ferguson, II):

When I first saw these nine juveniles, they were on their way through town. I was in close proximity to the marchers, I was in front of some, beside them and behind them. My mode of travel was by patrol car. I had been seeing the faces of these juveniles many times over the past several weeks. I was familiar with the names. So far as putting the names with the faces, I could not do it to all of them now. At the first time I saw these individuals marching toward town, I could not identify these individuals as being in the group. At the time they came into town they did not block traffic anywhere. They came here to the courthouse and sang and chanted for a while. They did not block traffic at that time. They proceeded back out of town about two blocks and were still in town. They were headed east. They proceeded some distance without blocking any traffic. I was with them at the time they proceeded east after they left the courthouse. I was riding along in my patrol car. It was down close to the Methodist Church when some of them went out on the paved portion of the road. I didn't say how many people there were all together. I said there were twenty-six taken into custody. These twenty-six dropped off the rear end of the march. I don't know how many were participating in the march. I wouldn't venture an opinion. They were all in a body until this group

walked into the street. Part of the others stopped on the shouder and part of them proceeded east. While these twenty-six people went in the road, they just milled about in a body. I do not know the relative position of each of these nine juveniles in that group.

I could say that each of these respondents and everyone was in a lane of traffic. I don't know where they were in relation to the shoulder or the center line, but they were on the hard surface of the road in this group of twenty-six. When I arrested these nine juveniles, I took them into custody. I brought criminal charges against them. I do not know how long they remained in custody. Bail was set, I said that my squad marched them off the road more than once. No one resisted being marched off the road. I said I marched them off the road more than once. I do not know how many times. I can't determine whether everybody who was marched off came back on the road. Each time they were marched off the road I can't say there was oncoming traffic besides my patrol car. At the time the arrests were made, traffic was blocked both ways. At the time the arrests were made, I was out of my patrol car and had been on my feet several minutes with the rest of the men. My patrol car was sitting on the right lane headed east. Regardless of what the persons in the road were doing, any oncoming traffic would have been blocked by my car. I got out of my patrol car one time and marched them off the highway and they walked out in front of my vehicle and I got out then and stayed out until the arrests were made and then I drove back to the courthouse. I used a battery powered loud speaker to address the group. They were singing and chanting and there was noise.

Q Do you recall what songs they were singing and chanting?

A I heard so many.

Q Were they freedom songs?

OBJECTION—SUSTAINED

I do not know why these people were out on the road. I stated that there was a large crowd of persons marching. I have an opinion why they were marching. It is

to protest the centralization of the Hyde County Schools. At the time I made the arrests and at no other time did I have any trouble with the group.

REDIRECT EXAMINATION (By Mr. Small)

The group had been demonstrating over consolidation of schools almost continuously since September 11th.

Q During the course of these demonstrations, did you take these nine juveniles into custody on other occasions?

OBJECTION—OVERRULED. (EXCEPTION NO. 26)

A Yes. I took Julia Collins, two more warrants; Dorene Harris, two more, Cherlyn Whitney, one more; Maria, two more; Debra Collins, two more; Trina Selby, two more; Katherine Gibbs, one more; Eddie Whitley, one more; and Alonzo Holloway, two more.

MR. FERGUSON: Motion to strike (EXCEPTION NO. 27). MOTION DENIED.

RECROSS EXAMINATION (By Mr. Ferguson):

The race of all persons participating in the demonstration was colored.

Q To your knowledge, didn't the demonstration grow out of the fact black people in Hyde County felt that the manner of consolidation was discriminating against them?

OBJECTION—SUSTAINED.

MR. SMALL: The State rests.

MR. FERGUSON: The juveniles, and all of them, move to dismiss as of nonsuit on the grounds stated and argued in the first cases tried this morning.

COURT: Motion denied. (EXCEPTION NO. 28)

MR. FERGUSON: Exception.

MR. FERGUSON: There is no evidence for any of the juveniles. We renew our motion to dismiss. Motion denied. (EXCEPTION NO. 29)

The Court entered the following orders.

ORDER OF COMMITMENT AND PROBATION (Trina Selby, No. 69-J-1)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Bessie Matthews, aunt, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-3; 69-J-4; 69-J-5; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to remove from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Trina Selby be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suit-

able institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsist with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for over 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her resident by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Dorene Harris, No. 69-J-3)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Mellie Burras, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II,

Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-4; 69-J-5; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30; for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, then said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby stop and impede traffic; and did persist in stopping and impeding traffic after being directed to remove from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Dorene Harris be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Julia Anna Collins, No. 69-J-4)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Pencie Collins, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-5; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Stat-

utes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway —said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Julia Anna Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Cherlyn Whitney, No. 69-J-5)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Janie B. Whitney, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-4; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and inten-

tionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Cherlyn Whitney be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91); after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Catherine Gibbs, No. 69-J-6)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Shirley Gibbs, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 60-J-4; 69-J-5; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Catherine Gibbs be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department

in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said instituton for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Deborah Ann Collins, No. 69-J-8)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Pencie Collins, her mother, the nature of this proceeding; as will appear in

the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-4; 69-J-5; 69-J-6; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Deborah Ann Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction of the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended

and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Maria Harris, No. 69-J-9)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Mellie Burras, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-4; 69-J-5; 69-J-6; 69-J-8; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does

not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Maria Harris be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Eddie Whitley, No. 69-J-10)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Ina Farrow, mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Fergerson II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-4; 69-J-5; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit of intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and inten-

tionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Eddie Whitley be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said Department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Alonzo Edward Holloway, No. 69-J-30)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to John Holloway, his father, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-1; 69-J-3; 69-J-4; 69-J-5; 69-J-6; 69-J-8; 69-J-9; 69-J-10; 69-J-30, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12th day of November, 1968, the said child did in the company of others go upon a main traveled highway in Swan Quarter and did remain upon the said traveled portion of said highway and did, thereby, stop and impede traffic; and did, thereby, stop and impede traffic; and did persist in stopping and impeding traffic after being directed to move from said highway—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Alonzo Edward Holloway be, and he is hereby committed to the custody of the Hyde County

Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles OBJECT and EXCEPT. EXCEPTION #30.

APPEAL ENTRY

THE COURT: I presume you wish to appeal from these orders also?

MR. FERGUSON: Yes, I wish to object to the signing and entry of the Order and renew the motions and objections I made in cases 69-J-17 through 69-J-24.

THE COURT: I will do the same in this group of cases as I did before and will enter a copy of your appeal entries here.

SUBMISSION OF PROCEEDINGS

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 9, 1969, at a regularly calendared session of Juvenile Court in Hyde County, North Carolina.

This the ..... day of ....., 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE IN RE: EVELYN EVANGELINE GIBBS—69-J-11; ROSE MARY COLLINS—69-J-12; DEBRA ANN COLLINS—69-J-13; CATHERINE GIBBS—69-J-14; JULIE ANNA COLLINS—69-J-16; ELVIRA VASHTI WESTON—69-J-28; AND SUDIE BELL McCULLOR, 69-J-29

Pursuant to G.S. 7A-195 of the General Statutes of North Carolina and Rule 19(g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed juvenile hearings. Findings of fact are contained in the attached orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 9, 1969,

with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles were represented by James E. Ferguson II, Esq., The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 69-J-11, 69-J-12, 69-J-13, 69-J-14, 69-J-16, 69-J-28 and 69-J-29, inclusive, be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. EXCEPTION #31.

Upon the call of the above enumerated matters for hearing and disposition, there was no one present in the hearing room except the juveniles, their mothers, and officers of the court.

The attorney for the juveniles moved to dismiss the Petition for each juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juveniles of equal protection and due process of law. Motion denied. EXCEPTION #32.

Mr. Ferguson requested a jury trial. Request denied. EXCEPTION #33.

THE COURT: I want to read to you from our General Statutes and a Supreme Court decision: Our statutes provide in part that sessions of Juvenile Court shall be held at such times and in such places within the county as the Judge shall from time to time determine.

In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it; to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by parents, guardians, or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public

office, and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions, the Court shall proceed upon a theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the Court should give such a child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether these children or any or them are delinquent and in need of the protection and guidance of the State.

SERGEANT WILLIE ROGERS testified

DIRECT EXAMINATION (By Mr. Herbert Small)

I am Sergeant Willie Rogers employed by the North Carolina Highway Patrol. I was in Hyde County on November 13, 1968. On that day I had an opportunity to see Evelyn Evangeline Gibbs, Rosemary Collins, Debra Ann Collins, Catherine Ann Gibbs, Julie Anna Collins, Elvira Vashti Weston and Sudie Bell McCullor. I first saw them in front of the Courthouse. It was about 11:00 a.m. These seven juveniles were together at that time. They were in the company of others; there was a total of 21, 9 males and 12 females. At the time I first observed them the 7 juveniles in the company of a total group of 21 were circling in front of the Courthouse in the street carrying chickens. They were holding them out in front of their arms. All of the juveniles did not have them although they were participating. All were not carrying chickens. There were other juveniles in the group: Rosemary Whitney, Janice Marie Whitney, Nicole Green, Tyrone Dudley, and Loretta Joyce Swain. The

rest of them were above juvenile age. They remained at that location about 5 or 10 minutes. They left and went to the intersection here, 264 with the road at the Courthouse intersection. When they got to 264 they went back into a circle almost in front of the Esso Station, going around in a circle, going from the shoulder to the edge of the station yard, in a complete circle. Both traffic lanes were completely blocked; the ones that had chickens in the beginning were still carrying them. As I recall they did not block any traffic in front of the Courthouse.

One vehicle was coming from the South coming North and backed up and turned and went down the side street, and went around the block. Here at the intersection there was traffic coming in both directions. The traveled portion of the highway is approximately 18 feet wide. There is a narrow shoulder on the north side and no shoulder on the south side. The south side is the driveway to the service station. When the group was circling in front of the service station there were 21 in the group. These juveniles involved in this case were circling in front of the service station. They were singing some of their songs and walking in a circle with the chickens. They were out at least 5 minutes, until the vehicular traffic began to combine and they were advised to get off the road for the traffic. Sergeant Smith advised them with a battery powered yellow microphone, the loud speaker type. He advised them that they were blocking and would be arrested if they did not clear the road, and asked them to get off onto the shoulder. They went off and came back. He advised them again. They went back to the shoulder and then back to the road again. After the third time the whole group was arrested. Traffic had to stop while they were in the road. When they got off the road the first time we had a squad, a line formation that walked in the direction of the participants and they got off on the shoulder. There was no bodily contact. Then the troopers withdrew.

Just as soon as the troopers withdrew the group came back on the paved portion of the highway like a seesaw. At one point when the troopers advanced and the participants withdrew vehicular traffic was able to come by;

after that there wasn't enough time. They remained stopped when they came back the last time I don't recall how many vehicles were stopped, but I do recall there was at least one in each direction. The vehicle on the east end was the local ambulance or rescue squad. It stopped for this group. I would say it remained stopped 5 to 10 minutes. These vehicles that stopped could not get through without striking or doing personal injury or coming into contact with the participants. The entire group of 21 was arrested on the basis of the information that we received. Out of the 9 males, 7 said they were 16 and above. Out of the twelve girls taken into custody only 1 said she was below 16 years of age. She was Loretta Joyce Swain. Debra Ann Collins gave the age of 16 and a birth date of 4/11/52; Julia Anna Collins gave the age of 16 and a birth date 3/15/52; Catherine Ann Gibbs gave the age of 17 and a birth date 8/1/51; Evelyn Evangeline Gibbs gave the age of 16 and a birth date 4/20/52; Elvira Weston gave the age of 16 and a date of birth of 9/7/52; Sudie Bell McCullor gave the date of birth as 8/6/52; Rosemary Collins gave an age of 17 and a date of birth as 9/25/51. I later ascertained their correct ages. We got this from the birth records when we could.

Debra Ann Collins 2/25/57; Julia Anna Collins, 14, birth date 12/22/54; Catherine Ann Gibbs, 15; I don't have her date of birth. Evelyn Evangeline Gibbs is 12; her date of birth is 3/21/56; Elvira Weston is 14 years of age; I do not have her correct date of birth; Rosemary Collins, age 14, birth date 9/25/54; Sudie Bell McCullor, 14 years old, birth date 8/6/54.

Q. Sergeant Rogers can you tell us if these respondents participated in acts during a different period similar to this? OBJECTION. OVERRULED. EXCEPTION #34

A. Yes.

Q. Sergeant Rogers, were you present at any other time when any of the juveniles whose cases are now pending were in the street? OBJECTION. OVERRULED. EXCEPTION #35.

A. I was.

Q I asked you whether or not they were told on those occasions to remove themselves from the street or stop blocking or some similar type statement? OBJECTION. OVERRULED. EXCEPTION #36.

A. They were. They were told by Sergeant Smith, the Clerk of Court, and myself. MOTION TO STRIKE. MOTION DENIED. EXCEPTION #37.

Q. Were they alone or in the company of other persons on those occasions? OBJECTION. OVERRULED. EXCEPTION #38.

A. No one else was involved when the Clerk of Court told them. They were there in his office. Debra Ann Collins, Julia Anna Collins and Catherine Ann Gibbs were in the Clerk's office prior to this.

Q. Which ones of these juveniles were present on the other occasions when Sergeant Smith told them this? OBJECTION. OVERRULED. EXCEPTION #39.

A. Sergeant Smith and I were together when all those others took place. The three I just named and the other four were advised and they were taken into custody on the day prior to this and were released. MOTION TO STRIKE. MOTION DENIED. EXCEPTION #40.

CROSS EXAMINATION (By Mr. Ferguson)

When I first saw this group of people I was inside the Courthouse corridor and the participants were directly in front of the Courthouse. At first I was only able to identify a portion of the participants, but I then went out on the street where I mingled with the group. At that time there was no traffic approaching from the north, and one from the south. The one from the south did not pass; it stopped at the point where the group was. The closest point this car came to the group was approximately 150 to 200 feet. They proceeded from the first point at the Courthouse to the intersection at 264. I followed them once they got to 264. They proceeded down to the Esso Station, adjacent to the intersection. At the station there is no shoulder on the south portion of the road. In order for one to pass there he would necessarily have to walk on the paved portion or on pri-

vate property. Traffic approached this group when they were at the intersection of the highway 264. It was impossible for any vehicle to attempt to go around the person there. None made an attempt to go around. Some of them had chickens; I remember some who had chickens. All of them did not have chickens. There were 21 people for about 10 chickens. At first they took the chickens to jail with them. There they put them in boxes outside the jail, and then returned them to the owner, I presume. They never let the chickens go while they were in the road. I can state where Evelyn Gibbs was in the road. She was in no one place, she was constantly on the move. Rosemary Collins was moving around in a circle. They were all moving around in a circle on the traveled portion of the road. They did not leave the pavement from time to time to come back because there were two vehicles there. They walked next to the vehicles and then across the pavement.

The vehicles that were parked on the side were completely off the road. They might have touched the public way but were not up on it. When the troopers got directly in front of the persons in the road they would go to the side. They were not off the road 10 seconds. It is not necessarily true that any car that followed the troopers down the road could have passed because every time the troopers got them to the edge they would come back into the road. I stated that an ambulance was among the traffic that stopped. It did not have its light flashing or its siren on. It gave no indication whatsoever that there might have been an emergency. The ones that didn't have chickens were singing and clapping. I don't remember any particular songs but it was one of the songs I have heard since September. It is my understanding that it was some sort of protest. I don't know what they were protesting exactly.

REDIRECT EXAMINATION

These protests have been going on since September 11 between September 11 and November 13 they marched pratically every day.

Q. Did they demonstrate in the streets on the other days that you saw them? OBJECTION. OVERRULED. EXCEPTION #41.

A. Yes. Three of this particular group were in a demonstration the day prior to this in the street.

SERGEANT CHARLES SMITH tendered by the State for the purpose of corroboration.

MR. FERGUSON: No questions.

MR. SMALL: THE STATE RESTS.

PROCEEDINGS

MR. FERGUSON: The juveniles, and all of them, move to dismiss on the same grounds and for the same reasons as advised this morning.

THE COURT: MOTION DENIED. EXCEPTION #42.

MR. FERGUSON: There will be no evidence for any of the juveniles and we renew our Motion to Dismiss.

THE COURT: MOTION DENIED. EXCEPTION #43. The following Orders are entered:

ORDER OF COMMITMENT AND PROBATION (Evelyn Evangeline Gibbs, No. 69-J-11)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Ada Pearl Gibbs, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and

Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-12; 69-J-13; 69-J-14; 69-J-16; 69-J-28; and 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic, and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Evelyn Evangeline Gibbs be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Rose Mary Collins, No. 69-J-12)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Doris Weston, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-13; 69-J-14; [illegible]-16; 69-J-28; 69-J-29, for hearing, findings and disposition; and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in

the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic, and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Rose Mary Collins, be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Debra Ann Collins, No. 69-J-13)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Pencie Collins, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-14; 69-J-16; 69-J-28; 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic, and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being

satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Debra Ann Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Catherine Gibbs, No. 69-J-14)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Shirley Gibbs, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-13; 69-J-16; 69-J-28; 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic, and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Catherine Gibbs be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department

in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Julie Anna Collins, No. 69-J-16)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Pencie Collins, her mother, the nature of this proceeding; as will appear in

the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-13; 69-J-14; 69-J-28; 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Julie Anna Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Elvira Vashti Weston, No. 69-J-28)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Victoria Weston, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-13; 69-J-14; 69-J-16; 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the

Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Elvira Vashti Weston be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Sudie Bell McCullor, No. 69-J-29)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Martha McCullor, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-13; 69-J-14; 69-J-16; 69-J-28, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic,

and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Sudie Bell McCullor be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. EXCEPTION #44.

APPEAL ENTRY

THE COURT: I assume you wish to appeal as in the past?

MR. FERGUSON: Yes, I wish to appeal in each case in forma pauperis for the reasons expressed this morning.

THE COURT: I have suggested that you file affidavits and none have been filed. I allowed you to dictate your appeal entries and I will have them reproduced here.

SUBMISSION OF PROCEEDINGS

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 9, 1969, at a regularly calendared session of Juvenile Court in Hyde County.

This ..... day of ....., 1969

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE IN RE: BARBARA BURRAS, 68-J-4; WILLIAM BLOUNT, 68-J-5; NEKOLA GREEN, 68-J-6; SHARON HARRIS, 68-J-7; SARAH ANNETTE WHITNEY, 68-J-8; WALTER ANTHONY GREEN, 68-J-9; DESSIE HARRIS, 68-J-10; EVELYN GIBBS, 68-J-11; RONNIE LEE TOPPING, 68-J-12; TYRONE DUDLEY, 68-J-13; THERESA BLOUNT, 68-J-14; LINDA SUE GIBBS, 68-J-15; AND PATRICIA COLLINS, 69-J-27.

Pursuant to G.S. 7A-195 of the General Statutes of North Carolina and Rule 19(g) of Rules of Practice in

the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles were represented by James E. Ferguson, II, Esq. The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 68-J-4 through 68-J-15, inclusive, and 69-J-27, be consolidated for hearing, findings and disposition. Motion allowed. The Solicitor moved that the third paragraph of the Petition in these cases, 68-J-4 through 68-J-15, inclusive, and 69-J-27, be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. EXCEPTION #45. Upon the call of the above enumerated matters for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles, their parents or guardians, and witnesses should be present for the hearing. The attorney for the juveniles objected. Objection overruled. EXCEPTION #46. Each child was accompanied by his or her mother or grandmother. The attorney for the juveniles moved to dismiss the petition for each juvenile on the grounds that the juvenile statutes, North Carolina Gen. Stat. Sec. 110-21, et seq., under which these cases are to be tried, are unconstitutionally vague and overbroad and deprives the juveniles of equal protection and due process of law. Motion denied. EXCEPTION #47. Mr. Ferguson requested trial by jury. Motion denied. EXCEPTION #48.

THE COURT: As I stated several times yesterday, and I know some of you were present then, that this is not a criminal trial and I want to read you the following: Our statutes provide in part that sessions of Juve-

nile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine.

In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether these children or any of them are delinquent and in need of the protection and guidance of the State.

SGT. WILLIE ROGERS testified:

DIRECT EXAMINATION (By Mr. Small)

I am Sgt. Willie Rogers, employed by the North Carolina Highway Patrol, and I was so employed on December 6, 1968. On that date, I was in Hyde County and I had an opportunity to see Barbara Burras, William Blount, Nekola Green, Sharon Harris, Sarah Annette Whitney, Walter Anthony Green, Dessie Harris, Evelyn Gibbs, Ronnie Lee Topping, Tyrone Dudley, Theresa Blount, Linda Sue Gibbs and Patricia Collins. I first saw them at approximately 3:00 o'clock p.m. They were in the company of others in front of the courthouse on the steps and on the sidewalk in front of the main door entering the courthouse. There were approximately 40 to 45 in the whole group. When they came to the door, I advised the leader of the group that they were not to block the entrance of the courthouse. Some stepped off to the side, but others were milling around the door.

I advised them several times not to block the entrance. Some left and went down to the corner of the street. I mean by the corner, U.S. 264 Business. They were all the way across the street. Some of the group was on the shoulder at that time. They were down in front of the abandoned Sinclair Station and were just milling around, some on the pavement and some on the shoulder. This was on highway 264, Business, that runs through Swan Quarter. The highway has two lanes, one west and one east and the paved portion is approximately 18 feet wide. In sections there is a shoulder on each side of the road. The north shoulder where the people were standing was approximately 8 or 10 feet wide; the south shoulder is a driveway used for parking.

At the time they marched to the intersection of the Sinclair Station, they blocked the highway. They milled in the stret and were not in one spot. They were a very disorderly group. By that I mean that they were not organized. Some of them were carrying signs or posters about 2 to 2½ feet. They were out in the street but were not blocking traffic. At that point, no traffic had

attempted to come through. I warned them not to block traffic and stated that if they did, they would be subject to arrest. I was within speaking distance. Some got back on the shoulder and some remained out in the traveled part of the highway. At this time, traffic was beginning to come from the west. The traffic came up and stopped in the right hand lane. There were persons in the right hand lane blocking the normal course of travel of the car that stopped. At this time there were about 40 to 45. Some were on the pavement and some on the shoulder. For the second time, I advised them to get off. They did not get off. Another car was coming from east to west. That car stopped. I advised the group that they were under arrest for blocking the normal flow of traffic. The second time I advised them to get off the pavement, some got off and 29 remained.

The juveniles in this group remained on the road. The remaining 29, including these 13 juveniles, blocked the traveled portion of the highway in both directions. The car that was coming from the west proceeded east and was blocked at least 5 minutes. The one proceeding in the opposite direction was blocked a little less than 5 minutes. A total of 29 persons was taken into custody for standing in the traveled portion of the highway. Fifteen of these were juveniles.

This morning Janice Marie Whitney was found to be 16. She was thought at first to be a juvenile. The entire group of 29 who remained on the traveled portion of the highway were taken into custody. The juveniles whose names were just read out gave their age or date of birth. Two or three gave an incorrect date of birth on this occasion. One was Linda Gibbs, who said she was 16. I later established that her correct age was 15. Her correct date of birth is 12/26/53. Theresa Blount gave her age as 16. She gave her date of birth as 5/12/52, but this was corrected to 5/12/53. Two others gave an incorrect date of birth. This group of 40 to 35 people remained in a body assembled together from the time they first appeared at the courthouse until they broke up and 29 remained on the highway blocking traffic and the others stepped aside on the shoulder. The group

went the same way, as a body at the time. When they appeared at the courthouse, they did not make any statement to me about the purpose for which they were assembled except for one. He said he came to get arrested.

Q. Was there any apparent spokesman for the group? OBJECTION. OVERRULED. EXCEPTION #49.

A. Yes, there was.

Q. What age? OBJECTION. OVERRULED. EXCEPTION #50.

A. 25.

Q. Who was it? OBJECTION. OVERRULED. EXCEPTION #51.

A. Allen Lloyd Long.

Q. I ask you whether he was arrested along with the others and the juveniles, or did he step on the side of the road. OBJECTION. OVERRULED. EXCEPTION #52.

A. He was arrested.

Q. When the group moved from one point in front of the courthouse, down the highway to the intersection, what if anything did he do to direct them or lead them to make their various moves. OBJECTION. OVERRULED. EXCEPTION #53.

A. Everything that Long would tell this group to do, they did, up to the point where I last told them to get off on the shoulder. Some of them did get off.

Q. Specifically, if you recall, what did he tell the group to do and what did they do upon being told? OBJECTION. OVERRULED. EXCEPTION #54.

A. He told them that they wanted to be arrested and wanted to go to jail.

When I placed the group under arrest, I advised them that they were under arrest. Five troopers went around the group and were between the group on the highway and the group on the shoulder. The purpose of that was to keep the ones on the shoulder from stepping out into the group. Then they were told that they were under arrest and to follow us to the Hyde County jail. They readily did so. No problem.

Q. After the traffic was blocked, did you have to summons the five troopers? OBJECTION. OVERRULED.

A. No, they were standing by.

Q. Did any of those that had gotten off the highway when requested to do so, did they get into the group the officers were escorting to jail? OBJECTION. OVERRULED. EXCEPTION #55.

A. Some attempted to, but none did.

CROSS EXAMINATION (By James E. Ferguson, II)

I stated there were some 40 to 45 persons out there on this occasion. I first saw the group when they came in front of the courthouse. They stayed there ten minutes. During that time, they were shouting and clapping their hands, hollering and making a lot of noise. Sometimes they were singing, singing various songs. I don't know the specific name of the songs. I don't know what they related to any more than what I hear everyday. I don't know what they were singing them for. I know part of the songs were about. I have heard so many, I can't think of any of them.

Q. Freedom songs? OBJECTION. CONCLUSION OF COUNSEL. SUSTAINED.

A. After singing songs they went out into Business 264. They were at this time on the sidewalk in front of the courthouse and went straight into the street. On the other side of the street is an abandoned Sinclair Station and some little building on the other side. I don't know whether there is an actual shoulder on the road out there. People park over there on the traveled portion. I assume it is a highway right-of-way on this side of the ditch. There is a break in the service station property and the paved portion of the road. This is dirt between the ditch and the pavement. There are some planks running directly in front of the station that connect the cement portion of the station with the dirt portion. Then the dirt runs right up to the paved portion of the highway. Everything this side of that ditch is highway right-of-way. Thirty feet each side of the center line is highway right-of-way. I state this on the basis that all secondary roads are, unless marked

otherwise, 18 feet wide paved portion, 30 feet each side of right-of-way.

Q. But you have no actual knowledge about this particular road, is that correct? OBJECTION. SUSTAINED.

They were at the intersection of 264, Business, approximately 5 minutes before I went over to disburse them and get them off the road, and to advise them not to impede traffic. The first time I went there, traffic was being blocked. That was my purpose in going. I did not testify a few minutes ago that when I first went out there that no traffic was coming from either direction. I warned them that they would be arrested if they blocked traffic. At the time I warned them, there wasn't any traffic being blocked. After I did that, I got off the traveled portion of the road. I remained in close proximity to the persons I had just talked to. At that time Barbara Burras, William Blount, Sharon Harris, Sarah Annette Whitney, Walter Anthony Green, Dessie Harris, Evelyn Gibbs, Ronnie Lee Topping, Tyrone Dudley, Theresa Blount, Linda Sue Gibbs and Patricia Collins, Nekola Green, along with others were milling around in the traveled portion of the road, laughing, talking, shouting and singing. They were never in one spot. I knew each of these individuals at that time. I could not identify them all by name at that time. They had all been picked up before. MOTION TO STRIKE THE LAST STATEMENT ABOUT BEING PICKED UP BEFORE. MOTION DENIED. EXCEPTION #56.

They were advised two different times to get off the road. The third time, I arrested them. They got off the road the first time and the second time we advised them. Only a matter of minutes elapsed between then and the time of arrest. All that were on the traveled portion of the road were placed under arrest. They were charged with violating the criminal law and they were taken to jail where names, addresses and ages were checked. They were locked up. I do not know how long they remained locked up.

Q. Was it more than 48 hours? OBJECTION. SUSTAINED.

A. I am not sure if bail was set for the entire group or not. It was set for some.

I have stated that they were out and singing, clapping hands and shouting. They said they wanted to go to jail. I did not use any mechanical device to address them. When I spoke with them, some quieted down. Assuming their hearing was all right, I would say that they could hear what I said. Sgt. Smith and I used a battery powered device when we were compelled to and had it handy. I did not hear Sgt. Smith's testimony to that effect. I was not in the courtroom. I do not necessarily use a battery powered microphone.

Q. In other words, you may or may not have been heard on that day? OBJECTION. SUSTAINED.

The arrests were made about 3:15 or 3:20.

Q. Do you know whether or not any of the juveniles gave their ages or dates of birth so that it would indicate that they were juveniles in this group? OBJECTION. OVERRULED.

A. The juveniles were not detained. They were held long enough for their ages to be established. Some were released by dark that afternoon. Those that told the truth about their ages, shortly after dark. I did use a battery powered loud speaker on other occasions. This was November 12th or 13th. These cases were similar situations, but larger groups. This group was compact over a small area.

Q. What were those other groups doing when you used the battery powered microphone?

A. The same violation—impeding traffic. MOTION TO STRIKE. MOTION DENIED. EXCEPTION #57.

THE STATE RESTS.

PROCEEDINGS

MR. FERGUSON: There will be no evidence for any of the juveniles, and we renew our motion to dismiss. MOTION DENIED. EXCEPTION #58.

The Court entered the following Orders:

ORDER OF PROBATION (Barbara Burras, No. 68-J-4)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Lillie Mae Burras, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15, inclusive, and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

And it further appearing to the Court that heretofore on the 9th day of January, 1969, said Barbara Burras was adjudged to have violated the laws of this State and was found to be delinquent and in need of the protection and discipline of the State, and in need of more suitable

guardianship; and it further appearing to the Court that the matters and things set out herein corroborate the findings and order heretofore entered in the matter numbered 69-J-17; and it further appearing to the Court that said child should be placed upon probation and that the order heretofore entered in 69-J-17 is appropriate and to the best interest of said child.

NOW, THEREFORE, the Order heretofore entered January 9, 1969, in file #69-J-17 is incorporated and made a part of this order as fully as if set out herein, and said child thereby placed on probation in the manner and under the conditions therein set forth.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (William Blount, No. 68-J-5)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Joe Lee Blount, his father, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15, inclusive, and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Stat-

utes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED AND DECREED that William Blount be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Nekola Green, No. 68-J-6)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Ella Mae Green, her grandmother, both of her parents being out of the State, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did thereby impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and in-

tentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law, and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Nekola Green be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some instution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Sharon Harris, No. 68-J-7)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Farker Harris, her grandfather, her mother being in New Jersey and her father in Delaware, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Sharon Harris be, and she is hereby committed to the custody of the Hyde County Depart-

ment of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF PROBATION (Sarah Annette Whitney, No. 68-J-8)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Sarah Spencer, her grand-

mother, her mother being in New York and her father in California, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15, inclusive, and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

And it further appearing to the Court that heretofore on the 9th day of January, 1969, said Sarah Annette Whitney was adjudged to have violated the laws of this State and was found to be delinquent and in need of the protection and discipline of the State, and in need of more suitable guardianship; and it further appearing to the Court that the matters and things set out herein corroborate the findings and order heretofore entered in the matter numbered 69-J-18; and it further appearing to the Court that said child should be placed upon probation and that the order heretofore entered in 69-J-18 is appropriate and to the best interest of said child.

NOW, THEREFORE, The Order heretofore entered January 9, 1969, in file #69-J-18, is incorporated and

made a part of this order as fully as if set out herein, and said child thereby placed on probation in the manner and under the conditions therein set forth.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Walter Anthony Green, No. 68-J-9)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Emily Green, his grandmother; his father and his mother's whereabouts being unknown, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion —said acts having been wilfully and intentionally done

and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Walter Anthony Green be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Dessie Harris, No. 68-J-10)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Leona Harris, her grandmother; her mother being in New Jersey and her father's whereabouts being unknown, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record, and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Dessie Harris be, and she is hereby committed to the custody of the Hyde County Department of Public welfare to be placed by said department in a suit-

able institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation;

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF PROBATION (Evelyn Gibbs, No. 68-J-11)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Ada Pearl Gibbs, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Fur-

gerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15, inclusive, and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and doe not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion —said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Code being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

And it further appearing to the Court that heretofore on the 9th day of January, 1969, said Evelyn Gibbs was adjudged to have violated the laws of this State and was found to be delinquent and in need of the protection and discipline of the State, and in need of more suitable guardianship; and it further appearing to the Court that the matters and things set out herein corroborate the findings and order heretofore entered in the matter numbered 69-J-11; and it further appearing to the Court that said child should be placed upon probation and that the order heretofore entered in 69-J-11 is appropriate and to the best interest of the said child.

NOW, THEREFORE, the Order heretofore entered January 9, 1969, in file #69-J-11, is incorporated and made a part of this order as fully as if set out herein,

and said child thereby placed on probation in the manner and under the conditions therein set forth.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Ronnie Lee Topping, No. 68-J-12)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Rosa Mackey, his grandmother, his mother being in New York and his father's whereabouts being unknown, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an

act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Ronnie Lee Topping be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Tyrone Dudley, No. 68-J-13)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Daisy Dudley, his great-grandfather; his mother and father being deceased, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Tyrone Dudley be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S.

134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation;

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 o'clock P.M. each evening;
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION
(Theresa Blount, No. 68-J-14)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Joe Lee Blount, her father, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon.

Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby impede and block traffic after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Theresa Blount be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated

agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock P.M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION
(Linda Sue Gibbs, No. 68-J-15)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Hazel Gibbs, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after

having been advised to remove from said traveled portion —said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Linda Sue Gibbs be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P.M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF PROBATION (Patricia Collins, No. 69-J-27)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Helena Collins, her sister-in-law, her mother having been present January 9, 1969, and having requested to be excused from court today, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 68-J-4 through 68-J-15 inclusive and 69-J-27, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 6th day of December, 1968, the said child did in the company of others go upon the paved portion of a main traveled highway and remained upon said traveled portion of said highway, and did, thereby, impede and block traffic, after having been advised to remove from said traveled portion—said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent; and it further appearing to the Court that heretofore on the 9th day of January, 1969, said Patricia Collins was adjudged to have violated the laws of this State and was found to be delinquent and in need of the protection and discipline of the State, and in need of more suitable guardianship; and, it

further appearing to the Court that the matters and things set out herein corroborate the findings and order heretofore entered in the matter numbered 69-J-22; and it further appearing to the court that said child should be placed upon probation and that the order heretofore entered in 69-J-22 is appropriate and to the best interest of said child.

NOW, THEREFORE, the Order heretofore entered January 9, 1969, in file #69-J-22 is incorporated and made a part of this order as fully as if set out herein, and said child thereby placed on probation in the manner and under the conditions therein set forth.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. EXCEPTION #58A.

APPEAL ENTRY

MR. FERGUSON: I would like to give notice of appeal in the same manner and form as I did yesterday.

THE COURT: I advised yesterday that I could not allow any appeal in forma pauperis without an affidavit. However, I will, upon your request, enter the same appeal entries here as I did yesterday in the matters 69-J-17 through 69-J-24.

MR. FERGUSON: That is what I would like to do.

SUBMISSION OF PROCEEDINGS

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969, at a regularly calendared session of Juvenile Court in Hyde County.

This ..... day of ....., January, 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE IN RE: DONALD WHITE, 69-J-25, and WILMA JOYCE WHITAKER, 69-J-26

Pursuant to G.S. 7A-195 of the General Statutes of North Carolina and Rule 19(g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles were represented by James E. Ferguson, II, Esq. The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 69-J-25 and 69-J-26 be consolidated for hearing, findings and disposition. Motion allowed. The Solicitor moved that the third paragraph of the Petition in these cases 69-J-25 and 69-J-26 be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. EXCEPTION #59.

Upon the call of the above enumerated matters for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles, their parents or guardians, and witnesses should be present for the hearing. The attorney for the juveniles objected. Objection overruled. EXCEPTION #60.

Each child was accompanied by his or her aunt or grandfather.

The attorney for the juveniles moved to dismiss the petition for each juvenile on the grounds that the juvenile statutes, N.C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried, are unconstitutionally vague and overbroad and deprive the juveniles of equal protection and due process of law. Motion denied. EXCEPTION #61.

Mr. Ferguson requested a jury trial. Request denied. EXCEPTION #62.

SERGEANT WILLIE ROGERS testified:

DIRECT EXAMINATION (By Mr. Small)

I am Sgt. Willie Rogers, employed by the North Carolina Highway Patrol. On November 18, 1968, I was in Hyde County. On this occasion I saw the juveniles, Donald White and Wilma Joyce Whitaker, I am not sure of the exact time but it was about noon. When I first observed these two they were in the company of a group totaling twenty-one. They were marching on 264 Business in a westwardly direction about three-quarters of a mile out of town. As this group came into town and in front of the Esso Station they got over into the traveled portion of the road. The girls stayed in the eastbound lane about three feet from the centerline of the road. The males in the group stayed in the westbound lane about two or three feet from the centerline.

MR. FERGUSON: MOTION TO STRIKE. MOTION DENIED.

When I first saw them they were walking on the shoulder, the lefthand side, in an orderly fashion. These respondents were in the group and remained in the group. There were twelve girls and nine males on the business portion of Highway 264 here in Swan Quarter. At that point in front of the Esso Station the two traveled lanes are approximately eighteen feet wide. There is no shoulder on the south side. Directly across on the north shoulder there is a real narrow dirt shoulder. After the girls got in the eastbound lane and the males in the westbound lane each of these participants had a roll of paper about two and one-half feet long. The paper was rolled up and they were hitting each other with the paper. They were advised to get out of the street, that if they interfered with the traffic they would be arrested. At this time there was no traffic. They remained there and did not leave at that time. One or more vehicles approached from

each direction but I don't know the exact number. These vehicles could not have gotten around the group.

The vehicles remained stopped five minutes or less. When traffic was stopped they were told a second time to clear the road. They remained there and completely ignored the request that was made. Then they were told they were under arrest and went along peacefully to the county jail. No resistance at all. They were neither singing nor clapping. They were just laughing and hitting each other with rolls of paper. The entire group of 21 persons was taken into custody.

Q. At that time did the two juveniles, Donald White and Wilma Joyce Whitaker, give you their date of birth? OBJECTION. OVERRULED.

A. Yes.

Q. What date did they give you? OBJECTION. OVERRULED.

A. Wilma Joyce Whitaker gave the date 1/12/52 which was corrected to read age fourteen, 1/12/54.

To the best of my knowledge this latter date is correct. On this occasion Donald White gave his age as seventeen and birth date as 1/24/51. He produced a birth certificate from the State of Virginia showing 1/24/53.

CROSS EXAMINATION (By James E. Ferguson, II)

I said that when I first observed the group they were coming from the East toward town. When I first saw the group I rode by them in my patrol car with Sgt. Smith. Sgt. Smith was driving at a moderate speed of twenty to twenty-five or less. At this time I did not recognize all of the twenty-one persons by name. I did recognize Donald. I did not recognize Wilma Joyce at that time. We first drove towards the east and then turned around and went west. When I first observed them they were from one-half to three-quarters of a mile from the Esso Station. They walked that distance in a straight line in a column of two's. When I advised them they would be arrested if they blocked traffic they were in the travel portion of the highway but there was no traffic. Each of them was standing about three feet

from the centerline. At this point they were not proceeding east, they were standing still. They had rolls of paper. They were just standing there in the road playing with each other. I could determine the approximate ages of the members of the group based upon what they had previously told us. The maximum age of the females was 19 and the maximum age of the males was 16 except Donald said he was seventeen. I have been on duty here in Hyde County since the first week in September.

Q. To your knowledge is there any playground facilities provided here? OBJECTION. SUSTAINED.

After I saw them playing in the street I walked from the Courthouse where I had parked my car. There were other patrol cars present situated in various places on each side of the building. No patrol car parked in the highway to my knowledge. There were no patrol cars parked in the road. On that particular day there were twelve patrolmen present. They were not out where the kids were playing. They came out and placed them under arrest and escorted them to jail. When they came out they circled the group and marched them to the county jail. I don't recall whether the group altered their position from standing on either side of the centerline. I said the traveled portion of the road was approximately eighteen feet wide with two traveled lanes. The average automobile is at least eight feet wide. An eight-foot wide automobile could not pass these persons without having to go through the station yard or the ditch on the other side. There is a cleared portion used as a station yard where a car could get around. I testified earlier that a certain portion of the road on each side is designated as right-of-way unless otherwise posted. There is nothing posted out at the service station stating that the State owns the property between the highway and the station yard but the concrete base out there was not put there by the State. It is private property.

REDIRECT EXAMINATION (By Mr. Small)

No force was used when these people were placed under arrest. I did not place a hand on them. Some ran in

the direction of the jail. I had seen these respondents before under similar circumstances, impeding traffic.

MR. FERGUSON: MOTION TO STRIKE. MOTION DENIED. EXCEPTION #63.

Q. Do you remember how many other occasions you had come in contact with these respondents? OBJECTION. OVERRULED. EXCEPTION #64.

A. As far as the defendant, Wilma Joyce Whitaker, I only recall one other occasion. As far as the defendant, Donald White, this would be either the third or fourth time. Second, or more possible the third time.

MR. SMALL: THE STATE RESTS.

MR. FERGUSON: MOTION TO DISMISS.

THE COURT: MOTION DENIED. EXCEPTION #65.

MR. FERGUSON: There will be no evidence for either juvenile. We renew our Motion.

THE COURT: MOTION DENIED. EXCEPTION #66.

ORDER OF COMMITMENT AND PROBATION (Wilma Joyce Whitaker, No. 69-J-26)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the child and Erma Blount, aunt, being present, as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-25 for hearing, findings and disposition and said attorneys having further agreed that such consolidation

is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 18th day of November, 1968, the said child did in the company of approximately 20 people on one of the main traveled highways in Swan Quarter, North Carolina, impede the flow of traffic by standing upon the traveled portions of said highway, said acts being intentionally done and with the intent to violate the laws of the State and to impede traffic, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Wilma Joyce Whitaker be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, nor inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;

3. That said chiid be at her resident by 11:00 o'clock P. M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10 day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Donald White, No. 69-J-25)

This matter, coming on to be heard, and being at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the child and Harry Gibbs, grandfather, were present, as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-26 for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 18th day of November, 1968, the said child did in the company of approximately 20 people on one of the main traveled highways in Swan Quarter, North Carolina, impede the flow of traffic by standing upon the traveled portions of said highway, said acts being intentionally done and with the intent to violate the laws of the State and to impede traffic, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied

and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Donald White be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his resident by 11:00 o'clock P. M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. EXCEPTION #67.

APPEAL ENTRY

THE COURT: I presume you wish to appeal from these Orders also?

MR. FERGUSON: Yes, I wish to object to the signing and entry of the Order and renew the motions and objections I made in cases 69-J-17 through 69-J-24.

THE COURT: I will do the same in this group of cases I did before, and will enter a copy of your appeal entries here.

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969, at a regularly calendared session of Juvenile Court in Hyde County, North Carolina.

This the ..... day of ..... 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE IN RE: JAMES LAMBERTH HOWARD, 68-J-3

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold session of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District and the juveniles

were represented by James E. Ferguson, II, Esq. The Solicitor moved to amend the Petition. Mr. Ferguson objected. Objection overruled and amendment allowed. Only the juvenile and his mother, Pearl Howard, and officers of the Court were present. The attorney for the juveniles moved to dismiss the petition for said juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juvenile of equal protection and due process of law. Motion denied. EXCEPTION #68. Mr. Ferguson requested a jury trial. Request denied. EXCEPTION #69.

H. FRED SIMONS

DIRECT EXAMINATION

My name is H. Fred Simons, and I am employed by the Board of Education as principal of the O. A. Peay School since 1966. On December 5, 1968, I was so employed and my office was in the school. In addition to my private office, there is my secretary's office, a nurse's station, and a storage closet; all connected.

I went to school about 7:45 that morning. School opened at 8:00, and we closed it prior to 12:00. The normal closing time on December 5, 1968, would have been 3:17 P. M. I left school about five to ten and went to a ten o'clock meeting in the Superintendent's office. Within ten to fifteen minutes I received a telephone call and returned to the O. A. Peay School about 10:30 or 10:40.

When I returned to school I did not go to my office. I requested the students that I was responsible for to be put on the buses. It was my idea to get those people safely away.

When I returned to school I found a number of highway patrol officers, personnel from the Sheriff's department, and quite a number of children outside. These children were not enrolled in my school; they were residents of Hyde County and should have been enrolled in

the school. They were making noises. I wanted to get the students home because there was a deviation from the normal. By deviation, I mean persons on compus who were neither students nor personnel.

I returned to my office about noon. I had locked my office before I left. The secretary's office adjoining mine was in somewhat a disarray. Things were turned over, papers on the floor, a cabinet had been removed from one room to another, a desk was down, a chair turned over on the side, there was a spinner wheel and hub-cap on the floor.

James Lambert Howard is not one of my students. In my secretary's office was the bed from the nurse's room. It was located on the wall of my secertary's office. When I left that morning it was in the nurse's room where it normally stayed.

There were objects littering the store room floor which had not been there when I left to attend the Superintendent's meeting. The paper on the floor, the roll of electric wire, the books and stand are school property.

I had not authorized anyone to place those objects in disarray or to displace them. I had not authorized James Lambert Howard to go into my office, or the other rooms.

SERGEANT WILLIE ROGERS

DIRECT EXAMINATION:

I am Sgt. Willie Rogers, employed by the North Carolina Highway Patrol. I had occasion to go to the O. A. Peay School on December 5, 1968. I arrived about 10:30 a. m. I was the third officer to arrive. Lieutenant Lance and Trooper Britton arrived before. When I arrived there were approximately forty-five to fifty students outside the building at what appears to be the front of the building. Students were outside yelling, screaming, singing and shouting. There was a group inside the principal's office. They were yelling inside. Once we told them to get out of the building. The principal's office is lo-

cated inside the building. You turn right down the hall and back to the right. There is the principal's office and a door leads to the secretary's office. There were sixteen (16) in this office, shouting and yelling.

MR. FERGUSON: Motion to strike.

THE COURT: Motion denied. EXCEPTION #70.

The door that leads into the hall from the secretary's office has a section of glass in the door. You can see into the room. There is a door from the secretary's office into the principal's office. There were objects piled up against the window. The subjects inside this room were moving a metal cabinet about. All of them were moving something or yelling. They moved the cabinet to the window. They propped the bed up on the door.

OBJECTION OVERRULED (EXCEPTION #71)

We got the sixteen persons out of the secretary's room and took them into custody. James Lambert Howard was one of the sixteen. I observed James Lambert Howard participating with this group in moving the furniture and so forth, around in the office.

MR. FERGUSON: Motion to strike.

THE COURT: Denied (EXCEPTION #72)

We waited to get the sixteen people out of the Secretary's office until school was dismissed. After the students were dismissed and escorted to the school bus we came back and got these subjects out of the office one at the time and put them on a prison bus and brought them to the Hyde County jail. I went into the nurse's room adjoining the secretary's room.

Q. I show you State's Exhibit 5 and ask you if it clearly shows what you saw after you removed the people from the office?

OBJECTION OVERRULED (EXCEPTION #73)

A. It does.

When I entered there was water on the floor. There was water around the lavatory and the desk. The area was about three and one-half feet by four and one-half feet. A scale was pushed out in the floor. There was a wet towel draped on the lavatory.

Q. I show you State's Exhibits 3, 6 and 1 and ask you if they fairly and accurately show you the secretary's office as it appeared when you entered it?

Q. It does.

At the door leading to the secretary's office there was a tall metal cabinet approximately six feet in height. We moved the cabinet in order to get in. There was a mattress up in the glass window or glass door. There was a pillow stuffed up in it. There were papers scattered on the floor. A hubcap was on the floor. A small table and chair were laying on their sides. Everything was disarranged in a disorderly manner.

Q. The State shows you Exhibit 2 which shows the storage room. Did it appear in this manner when you entered?

OBJECTION OVERRULED (EXCEPTION #74)

A. Yes.

In this room a box of books was lying in the floor. Boxes were pulled away from the wall in a most disorderly fashion and there was a roll of wire in the floor.

Q. How did you gain entrance in the secretary's room after school had been dismissed?

A. After our request was denied to open the door we opened the door by force, breaking the lock on the door.

MR. FERGUSON: Motion to strike.

THE COURT: Motion denied. (EXCEPTION #75)

We gained entrance by force. There is a room off to the side, a storage room or stock room. Medical supplies were there also. It was disarranged, boxes torn open.

MR. SMALL: The State offers into evidence Exhibits 4, 5 and 9.

THE COURT: They will be admitted for the purpose of illustrating the testimony of Sgt. Rogers to the extent that they may so illustrate his testimony.

Q. Was it after these requests had been denied that you broke the door to gain entrance?

OBJECTION OVERRULED (EXCEPTION #76)

A. Yes

CROSS EXAMINATION by Mr. James E. Ferguson, II.

I said there were sixteen persons in this area. It is true that I do not know any specific thing that James Lambert Howard did while he was in the room. I do not recall any specific statement that he made.

MR. SMALL: The State rests.

MR. FERGUSON: Motion to dismiss

THE COURT: Motion denied. (EXCEPTION #77)

MR. FERGUSON: There will be no evidence for the Respondent and I renew my Motion to Dismiss.

THE COURT: Motion denied. (EXCEPTION #78)

ORDER OF COMMITMENT AND PROBATION (James Lambert Howard, No. 68-J-3)

This matter coming on to be heard and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convening this 10th day of January, 1969, the Court having determined that the juvenile is under sixteen (16) years of age, the Court having heretofore explained to the child and to Pearl Howard, the mother of the child the nature of this proceeding, it appearing to the Court, and the Court finding as a fact that on or about the 5th day of December, 1968, the said child did, in the company of 15 others, enter without lawful authority the O. A. Peay School in Swan Quarter, North Carolina, and participate with others in making loud noises which were calculated to and did in fact disturb and disrupe said school which was then in session and did disarrange and disrupt an office in said school and did join with others in a course of conduct designed to cause a cessation of school activities and that said acts constitute a violation of GS 14-132 and GS 14-273; and it further appearing to the Court and the Court being satisfied and finding as a fact that said James Lambert Howard is in need of the care, protection and discipline of the State and is in need of more suitable guardianship, and is delinquent.

Now, it is therefore, ORDERED, ADJUDGED AND DECREED, that James Lambert Howard be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintaned by the State (as said institutions may be enumerated in GS 134-91) and held by said institution for no definite term, but until such time as the Board of Juvenile Correction or the Superintendent of said institution shall determine, not inconsistent with the laws of this State. This commitment is suspended and said child placed on probation for 24 months:

1. That he violate no laws of the State of North Carolina for 24 months.
2. That he be at his residence by 11:00 P. M. each evening.
3. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.
4. That he report to the Director of the Hyde County Department of Public Welfare, or his designated agent at least once each month at a time and place designated by said Director.

This matter is retained pending further order of the Court.

This 10 day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. (EXCEPTION #79)

APPEAL ENTRY

MR. FERGUSON: I wish to appeal in the same manner I have done in the other cases.

THE COURT: I will enter a copy of your appeal entries in the first case here.

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969, at a regularly calendared session of Juvenile Court Hyde County, North Carolina.

This the ..... day of ....., 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY OF EVIDENCE IN RE: ROSE MARY WHITNEY No. 69-J-15

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold session of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearing. Findings of fact are contained in the attached Order.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District, and the juvenile was represented by James E. Ferguson, II, Esq. The Solicitor moved that the third paragraph of the Petition in this case, 69-J-15, be amended. The attorney for the juvenile objected. The objection was overruled and the amendment allowed. (EXCEPTION #80) Upon the call of the above enumerated matter for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juvenile, her parent or guardian, and witnesses should be present for the hearing. The attorney for the juvenile objected. Objection overruled. (EXCEPTION #81) The child was accompanied by her mother. The

attorney for the juveniles moved to dismiss the petition for each juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juveniles of equal protection and due process of law. Motion denied. (EXCEPTION #82). Mr. Ferguson requested a jury trial. Request denied. (EXCEPTION #83)

THE COURT: As I have advised previously, this is a session of juvenile court and is not a criminal hearing. This is why I have excluded the general public. I want to read to you from our General Statutes that provide in part as follows: that session of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine. In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court, and childrens' cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by parents, guardians, or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this Statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the Ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances disclosed in the case. Moreover, any order or judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other

words, and to summarize, this is not a criminal case, but is a hearing to determine whether this child is delinquent and in need of the protection and guidance of the State.

MR. SMALL CALLED SERGEANT WILLIE ROGERS

DIRECT EXAMINATION

I am Sergeant Willie Rogers employed by the North Carolina Highway Patrol. I was in Hyde County on November 13, 1968, and on this occasion saw Rose Mary Whitney at about 11:00 a. m. This juvenile, along with twenty other participants, was in the street in front of the courthouse at the intersection of that street with the Oyster Creek Landing Road. The group was in a circle which had been occupying both lanes of the traveled portion of the road. About one-half of the participants were carrying chickens. They first walked in a circle. The defendant was one of those who was carrying a chicken. They then knelt on their knees in a circle in front of the courthouse. At this time a vehicle approached from the South headed North. This vehicle came past the last intersection prior to the corner beside the court house and stopped. We advised the group that they were impeding traffic and would have to clear the road. They left that location and walked to the corner of Business 264 and the Oyster Creek Landing Road. They continued in a circular motion. When they first got out in Business 264 there was no traffic. They were advised to clear the road. They got back to the side all in one lane at that time. They got off the paved portion and then back on in a circle. At this time a vehicle came for the East and a vehicle came from the West. The vehicle from the East was an ambulance. It had no light on and was not using a siren. Both lanes were blocked and there was no room on the shoulder at that point for vehicular traffic to go around. They were advised for the third time that they were blocking traffic and were subject to arrest. Subsequently they were arrested. They did not leave the third time they were told to leave.

Traffic remained blocked approximately five minutes or more and they were placed under arrest and told to follow us to the jail. They gave no resistance at all. Twenty-one were arrested. Nine of these were males with an average age of fourteen given. There were twelve females and eleven of these later qualified as juveniles.

Q. Did you ask Rose Mary her age?

OBJECTION OVERRULED.

A. Yes.

Q. What date did she give you?

OBJECTION OVERRULED.

A. Seventeen, birth date April 17, 1951. Records later revealed she was fifteen and her date of birth was April 17, 1953.

I do not recall having seen this juvenile before that date in a demonstration where arrests were made. I had seen her on several occasions before in marches in other locations. These marches had occurred during a period of time well over a month.

CROSS EXAMINATION by Mr. Ferguson

Rose Mary had a chicken in her hand. She was wearing slacks or whatever they are called and a light colored jacket or coat with no hat. She did individually block traffic. She was in a group going around in the street. She was not in any one spot. The group was moving all the time. There were twenty-one people in the group. At the location where they were arrested all twenty-one were doing the same thing. When the arrests were made all of the participants were detained. I am not in a position to say over what period of time. They were detained at the Hyde County jail. I took out a warrant for them for violating the criminal law. Rose Mary was locked up until she posted bond. We were acting on the assumption that she was sixteen and that was based on what she told us. I do not recall having any difficulty with Rose Mary. I had seen her in other activities.

MR. SMALL: THE STATE RESTS.

MR. FERGUSON: The juvenile moves to dismiss.

THE COURT: Motion denied. (EXCEPTION #84)

MR. FERGUSON: There will be no evidence for the juvenile and I renew my motion to dismiss.

THE COURT: Motion denied. (EXCEPTION #85)

To the signing and entry of the foregoing judgments the respondent juveniles object and except. (EXCEPTION #86)

APPEAL ENTRY

THE COURT: I presume you wish to appeal from this Order also?

MR. FERGUSON: Yes, I wish to object to the signing and entry of the Order and renew the Motions and objections I made in cases 69-J-17 through 69-J-24.

THE COURT: I will do the same in this case as I did before and will enter a copy of your appeal entries here.

ORDER OF COMMITMENT AND PROBATION (Rose Mary Whitney. No. 69-J-15)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Rurie Whitney, her mother, the nature of this proceeding, as will appear in the Minutes; and this child being represented by James E. Ferguson, II, Esq., Attorney of record; and it appearing to the Court, and the Court finding as a fact, that on about the 13th day of November, 1968 the said child did, in the company of others go upon and occupy a portion of one of the main highways in Swan Quarter, North Carolina, thereby impeding the traffic; and after having been three times advised to from blocking traffic did remain upon said traveled portion of the highway and did intentionally and with purpose and design impede the flow of traffic, said acts constituting a violation of GS 20-174.1, an act for which an adult may be pun-

ished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that said Rose Mary Whitney is in need of the care, protection and discipline of the State and is in need of more suitable guardianship, and is delinquent.

It is now, therefore, ORDERED AND DECREED that Rose Mary Whitney be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the Superintendent of said institution that said person can be received, and held by said institution for no definite term or until such time as the Board of Juvenile Correction or the Superintendent of such institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for eighteen (18) months, under these special conditions of probation:

1. That she violate none of the laws of the State for a period of eighteen (18) months.
2. That she be at her residence by 11:00 p.m. each evening.
3. That she report to the Director of the Hyde County Department of Public Welfare or his agent once each month at a time and place designated by said Director.
4. That she attend some school or institution offering some training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969 at a regularly calendared session of Juvenile Court in Hyde County, North Carolina.

This ____ day of _____, 1969.

/s/ HALLETT S. WARD

SUMMARY OF EVIDENCE IN RE: CHERLYN D. WHITNEY—No. 69-J-2 and TRINA SELBY—No. 69-J-7

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Orders.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solicitor for the First Solicitorial District, and the juveniles were represented by James E. Ferguson, II, Esq. The State moved to amend the Petition in 69-J-2 to correct the name of the juvenile to Cherlyn D. Whitney. Motion allowed. The State, at the request of the said James E. Ferguson, II, moved that these matters, numbered 69-J-2 and 69-J-7, be consolidated for hearing, findings and disposition. Motion allowed. The Solicitor moved that the third paragraph of the Petition in these cases, 69-J-2 and 69-J-7, be amended. The attorney for the juveniles objected. The objection was overruled and the amendment allowed. EXCEPTION #87. Upon the call of the above enumerated matters for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles their parents or guardians, and witnesses should be present for the hearing. The attorney for the juveniles objected. Objection overruled. EXCEPTION #88. Each child was accompanied by her mother or aunt.

The attorney for the juveniles moved to dismiss the petition for each juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under

which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juveniles of equal protection and due process of law. Motion denied. EXCEPTION #89.

Mr. Ferguson moved the Court for a trial by jury. Motion denied. (EXCEPTION #90)

THE COURT: The Court ascertained that both juveniles have heretofore been before the Court with their respective mother and aunt and the Court deems it necessary to advise the juveniles and their parents or guardians regarding the nature of the hearing.

MR. SMALL CALLED SERGEANT WILLIE ROGERS

DIRECT EXAMINATION

I am Sgt. Willie Rogers, employed by the North Carolina Highway Patrol. I was in Hyde County November 12, 1968 and on that date saw Cherlyn Whitney and Trina Selby. This was at approximately 12:00 noon on November 12. The two juveniles were in a group on U. S. 264 approximately 300 feet from the intersection. I was in the company of Sgt. Smith and we approached the group. They were in a circle in the roadway. On this particular date there were fifteen females and eleven males. They were all in a circle. They were singing the songs that they normally sang on this type of occasion. Some were laughing, some were talking, and yelling. They were advised to clear the road for vehicular traffic. They did get off on the shoulder and then came back on the road. Sgt. Smith and I were there. At this particular point they were told they would be arrested if they blocked traffic. At this time traffic was coming from the East and a vehicle was coming from the West. The group advised that this was the third time and were told they were under arrest for impeding traffic. We summoned a squad that was in eyesight and they circled the group. Vehicular traffic was at a standstill. Some subjects that were on the shoulder of the road tried to get into the group that was placed under arrest.

MR. FERGUSON: Motion to strike.

MOTION DENIED (EXCEPTION #91)

The first time I told them to clear the highway traffic was coming. The highway at this point is 18 feet wide with an eastbound and westbound lane. When they circled in the highway each outer edge of the circle touched the outer edge of the pavement. When the vehicles approached from the east and west it was necessary for them to stop in the road to avoid hitting the group. When the two vehicles stopped, fifty to seventy-five feet from the group, we advised the group they were under arrest for interfering with the traffic. They were warned twice prior to this as a result of being in the roadway and were told that if they continued to block traffic they would be arrested. We asked them to move out of the roadway and arrested them the third time. They remained in the roadway after the vehicles stopped and we summoned a squad of eight. The squad was at the courthouse some two hundred feet away. When we were going to arrest the group we marched up, summoned them and they formed a line and marched to the jail. This was about Noon. On that same date we arrested another group for similar conduct.

Q. Was Trina Selby in the group that you arrested earlier?

OBJECTION OVERRULED (EXCEPTION #92)

A. Yes. She was taken into custody at that time.

Q. What about the juvenile Cherlyn Whitney, was she in the group arrested earlier?

OBJECTION OVERRULED (EXCEPTION #93)

A. Yes.

Q. This earlier arrest, did it take place in approximately the same location?

OBJECTION OVERRULED (EXCEPTION #94)

A. Yes.

CROSS EXAMINATION by James E. Ferguson, II:

I don't know how many cars were stopped in each direction. I distinctly remember one in each direction. I do know that traffic was stopped before we took action. Each car was stopped about five minutes. The people

were out there singing their usual songs. I think they call them freedom songs. None of those arrested gave any trouble.

REDIRECT EXAMINATION BY Mr. Small:

Q. Sgt. Rogers, did they give you their ages or dates of birth?

OBJECTION OVERRULED.

A. Yes.

Q. What ages or dates of birth did they give you?

OBJECTION OVERRULED

A. Cherlyn Whitney gave the birth date 6/9/52 and Trina Selby gave the age of seventeen and a birth date of 2/13/51.

I have not yet established their correct ages or dates of birth.

MR. SMALL: The STATE RESTS.

MR. FERGUSON: Motion to dismiss as of nonsuit.

THE COURT: Motion denied. (EXCEPTION #95)

MR. FERGUSON: There will be no evidence for either juvenile and I renew my Motion to dismiss.

THE COURT: Motion denied. (EXCEPTION #96)

ORDER OF COMMITMENT AND PROBATION (Cherlyn D. Whitney, No. 69-J-2)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Janie B. Whitney, mother, the nature of this proceeding; as will appear in the Minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitor District, that this matter should be consolidated with

69-J-7 for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12 day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter, North Carolina, and did, while upon the paved portion of said highway impede the flow of traffic and did remain upon said traveled portion of the highway after vehicular traffic had been stopped, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED AND DECREED that Cherlyn D. Whitney be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 18 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 18 months.

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock P. M. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10 day of January, 1969.

/s/ HALLETT S. WARD

ORDER OF COMMITMENT AND PROBATION (Trina Selby, No. 69-J-7)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10 day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Bessie Matthews, aunt, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record, and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-2 for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 12 day of November, 1968, the said child did, in the company of others go upon one of the main traveled highways in Swan Quarter, North Carolina, and did, while upon the paved portion of said highway impede the flow of traffic and did remain upon said traveled portion of the highway after vehicular

traffic had been stopped and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED AND DECREED that Trina Selby be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 18 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 18 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 10 day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juvenile object and except. EXCEPTION #97.

APPEAL ENTRY

THE COURT: I presume you wish to appeal from these orders also?

MR. FERGUSON: Yes, I wish to object to the signing and entry of the Order and renew the motions and objections I made in cases 69-J-17 through 69-J-24.

THE COURT: I will do the same in this group of cases I did before, and will enter a copy of your appeal entries here.

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969, at a regularly calendared session of Juvenile Court in Hyde County, North Carolina.

This the ..... day of ....., 1969.

/s/ HALLETT S. WARD
Judge Presiding

SUMMARY AND EVIDENCE IN RE: ALONZO EDWARD HOLLOWAY—69-J-31

Pursuant to GS 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of the Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearing. Findings of fact are contained in the attached order.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 10, 1969, with the undersigned Judge presiding. The State was represented by the Honorable Herbert Small, Solici-

tor for the First Solicitorial District, and the juveniles were represented by James E. Ferguson, II, Esq. The Solicitor moved that the third paragraph of the Petition in this case, 69-J-31, be amended. The attorney for the juvenile objected. The objection was overruled and the amendment allowed. (EXCEPTION #98) Upon the call of the above enumerated matter for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juvenile, his parent or guardian, and witnesses should be present for the hearing. The attorney for the juvenile objected. Objection overruled. (EXCEPTION #99) The child was accompanied by his stepmother.

The attorney for the juvenile moved to dismiss the petition for the juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and ovebroad and deprive the juveniles of equal protection and due process of law. Motion denied. (EXCEPTION #100)

Mr. Ferguson requested a jury trial. Request denied. (EXCEPTION #101)

THE COURT: As I have advised previously, this is a session of Juvenile Court and is not a criminal hearing. This is why I have excluded the general public. I want to read to you from our General Statutes that provide in part as follows: that sessions of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine. In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court, and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by the parents, guardians, or other authorized

representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the Ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether this child is delinquent and in need of the protection and guidance of the State.

MR. SMALL CALLED SERGEANT WILLIE ROGERS

DIRECT EXAMINATION

I am Sergeant Willie Rogers, employed by the North Carolina Highway Patrol. I had occasion to see Alonzo Edward Holloway on November 22, 1968 while I was on duty in Swan Quarter. It was shortly after Noon. The defendant was in the company of twenty-three people, including himself. They were in the roadway of Business 264 standing in the middle of the road reading books in front of the Esso Station. That highway has two paved lanes of travel, one east and one west. On the south side of the highway there is no shoulder. That is where the service station is. On the north shoulder there is grass. It is narrow and now wide enough for a vehicle to park or drive on. The group of twenty-three was standing on the highway in the middle of the road, not exactly in a straight line and not in the center of the road. By their standing there they blocked traffic. I'm not sure how long they remained standing on the

road but they were asked three times not to block traffic. Vehicles came up and stopped and we arrested them. One vehicle from the west had to stop. I don't remember any from the east. It was not a patrol car and I don't recall what type of vehicle it was. The vehicle stopped briefly—I would say three minutes or more. Sgt. Smith and I approached the group and informed them that they were under arrest for impeding the normal flow of traffic. Other officers assisted us. The defendant was there.

Q. What age or birth date did the defendant give you at this time?

OBJECTION OVERRULED

A. On this occasion the defendant gave the age of sixteen and a birth date of 9/15/52. His correct birth date was checked at the Register of Deeds and shows age fifteen and date of birth 9/13/53.

Q. Prior to this occasion had you seen the defendant on any other occasion?

OBJECTION OVERRULED.

A. I had.

Q. Under what circumstances had you seen him?

OBJECTION OVERRULED (EXCEPTION #102)

A. I was in a group that arrested the defendant. I believe it was on two other occasions. It was the second time he gave us the false age. The last time he gave us his correct age.

MR. FERGUSON: Motion to strike. MOTION DENIED. (EXCEPTION #103)

The first time I saw the defendant he was blocking traffic.

CROSS EXAMINATION by James E. Ferguson, II:

I said they were not exactly standing in the middle of the highway. They were scattered—back to back. They took up the inside portion of both lanes. I would say three feet or more from the center line. I don't recall whether more than one car approached from the west. There may have been more. The car made an attempt to go around the persons. When Sgt. Smith and I made the arrest we took them on to the jail, including the Re-

spondent. He was locked up and a regular warrant drawn based on the fact that he gave us his age as he did. He gave us his age as sixteen.

MR. SMALL: THE STATE RESTS.

MR. FERGUSON: Move to dismiss.

THE COURT: Motion denied. (EXCEPTION #104)

MR. FERGUSON: There will be no evidence for the Respondents, and I renew my motion to dismiss.

THE COURT: Motion denied. (EXCEPTION #105)

ORDER FOR PROTECTION OF DELINQUENT (Alonzo Edward Holloway, No. 69-J-31)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 10th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Margaret Holloway, his stepmother, the nature of this proceeding, as will appear in the minutes; and said child being represented by James E. Ferguson, II, Esq., attorney of record; and it appearing to the Court, and the Court finding as a fact that on or about the 22nd day of November, 1968, the said child did, in the company of others go upon and occupy a portion of one of the main highways in Swan Quarter, North Carolina, and did thereby prevent the passage of vehicular traffic, the said acts being intentionally done in wilful disregard of the rights of others and in violation of GS 20-174.1, and being an act for which an adult may be punished by law, and it further appearing to the Court and the Court being satisfied and finding as a fact that the said Alonzo Edward Holloway is in need of the care, protection and discipline of the State and is in need of more suitable guardianship and is a delinquent; and further appearing to the Court that heretofore on the 9th day of January, 1969, at a regular session of Juvenile Court in Hyde County, under Case No. 69-J-30, said child

was adjudged delinquent and the above findings corroborate the findings made in Case No. 69-J-30; and the Court being of the opinion that the Order entered in Case No. 69-J-30 is proper. The Court hereby incorporates by reference the Order entered in Case No. 69-J-30 herein to make said Order a part of this proceeding as fully as if set out herein.

This matter is retained pending further Order of the Court.

This 10th day of January, 1969.

/s/ HALLETT S. WARD

To the signing and entry of the foregoing judgments the respondent juveniles object and except. (EXCEPTION #106)

APPEAL ENTRY

THE COURT: I presume you wish to appeal from these Orders also?

MR. FERGUSON: Yes, I wish to object to the signing and entry of the Order and renew the Motions and objections I made in Cases 69-J-17 through 69-J-24.

THE COURT: I will do the same in this case as I did before and will enter a copy of your appeal entries here.

The foregoing is respectfully submitted to be a summary of the evidence and proceedings held January 10, 1969, at a regularly calendared session of Juvenile Court in Hyde County, North Carolina.

This the 18th day of January, 1969.

/s/ HALLETT S. WARD
Judge Presiding

GROUPING OF EXCEPTIONS AND ASSIGNMENTS OF ERROR

I. The denial of the juveniles' motions to dismiss the petition based on the unconstitutionality of the North Carolina Juvenile Statute, Gen. Stat. Section 110-21, et seq., constituted prejudicial and reversible error in that Chapter 110, Article 2 of the General Statutes of North Carolina is void for vagueness and overbreadth and denies the juveniles their rights of equal protection and due process of the law secured to them by the Fourteenth Amendment of the Constitution of the United States and Article I, of the Constitution of the State of North Carolina.

EXCEPTIONS NOS. 3 (R p 145), 13 (R p 152), 14 (R p 152), 15 (R p 167), 20 (R p 170), 28 and 29 (R pp 176), 30 (R p 195), 32 (R p 196), 42 and 43 (R p 203), 44 (R p 217), 47 (R p 219), 58 (R p 227), 58A (R p 252), 61 (R p 253), 65 and 66 (R p 258), 67 (R p 262), 68 (R p 264), 77 and 78 (R p 268), 79 (R p 270), 82 (R p 271), 84 (R p 274), 85 and 86 (R p 275), 89 (R p 278), 95 (R p 281), 100 (R p 286), 104 and 105 (R p 289), 106 (R pp 290-291)

II. The lower court's denial of the juveniles' motions for a trial by jury violated their right to a trial by jury secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 13 and 17 of the Constitution of the State of North Carolina.

EXCEPTIONS NOS. 4 (R p 145), 15 (R p 167), 21 (R p 170), 30 (R p 195), 44 (R p 217), 48 (R p 219), 58 (R p 227), 58A (R p 252), 62 (R p 253), 67 (R p 262), 69 (R p 264), 79 (R p 270), 83 (R p 271), 86 (R p 275), 90 (R p 278), 97 (R p 285), 101 (R p 286), 106 (R pp 290-291).

III. The exclusion of the public from the hearing room violated the juveniles' right to a public trial guaranteed by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 17 and 35 of the Constitution of the State of North Carolina.

EXCEPTIONS NOS. 2 (R p 145), 19 (R p 169), 46 (R p 219), 58A (R p 227), 60 (R p 253), 81 (R p 271), 88 (R p 278), 99 (R p 286).

IV. The trial court erred by allowing the Solicitor to amend the petitions at the hearing in that each petition, as amended, was vague and ambiguous, apparently charged more than one offense, and failed to adequately inform the juvenile of the charges against him in violation of his right to be informed of the charges against him and to have an opportunity to defend against the charges, these rights being secured to him by the Sixth Amendment and the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Sections 11 and 17 of the Constitution of the State of North Carolina.

EXCEPTIONS NOS. 1 (R p 145), 15 (R p 167), 18 (R p 169), 30 (R p 195), 31 (R p 196), 44 (R p 217), 45 (R p 219), 58 (R p 227), 59 (R p 253), 67 (R p 262), 79 (R p 270), 80 (R p 271), 86 (R p 275), 87 (R p 278), 97 (R p 285), 98 (R p 286), 106 (R pp 290-291).

V. The trial court erred by admitting into evidence the testimony of police officers concerning prior arrests of the juvenile respondents and prior participation in demonstrations on the part of the juveniles.

EXCEPTIONS NOS. 5 (R p 148), 6 (R p 149), 17 (R p 168), 26 and 27 (R p 176), 33 (R p 33, 34, 35, 36, 37 (R p 200), 38, 39, 40 (R p 201), 41 (R p 203), 56 (R p 226), 57 (R p 227), 63 (R p 257), 64 (R p 258), 92, 93, 94 (R p 280), 102, 103 (R p 289).

VI. The trial court erred by admitting into evidence testimony relating to singing, shouting and clapping of hands on the part of the juveniles and other persons and the conduct of the juveniles and other persons which was totally unrelated to the offense with which the juvenile respondents were charged, said testimony being totally irrelevant, incompetent, immaterial, inflammatory and prejudicial.

EXCEPTIONS NOS. 7, 8, 9, 10 (R p 150), 12 (R p 151), 22, 23 (R p 151), 24, 25 (R p 173), 38 (R p 201), 49, 50, 51, 52, 53, 54 (R p 223), 55 (R p 224), 57 (R p 227), 70, 71, 72 (R p 266), 73, 74 (R p 267), 75, 76 (R p 268), 91 (R p 279).

VII. The trial court erred in denying the juvenile respondents' request to proceed on appeal in forma pau-

peris, and by refusing to allow the parents or persons in loco parentis to the juveniles to make a sworn statement of indigency.

EXCEPTIONS NOS. 16 (R p 167), 17 (R p 168).

JUDGMENT UPON PETITION FOR CERTIORARI IN N. C. COURT OF APPEALS (#69SC19PC)

This matter came on to be considered upon a petition for Writ of Certiorari filed by the Attorney General of the State of North Carolina in behalf of the Chief District Court Judge of the Second Judicial District for an extension of time, and same was considered by the Court of Appeals in a conference to whom it appeared that the said petition for extension of time to summarize and file the evidence and findings of fact in each of the causes filed in this petition should be allowed;

NOW, THEREFORE, it is ordered that the Chief Judge of the District Court for the Second Judicial District is allowed until January 31, 1969, to file the summary of evidence and findings of fact in the above-entitled causes with the Clerk of Hyde County.

IT IS FURTHER ORDERED that the record on appeal in these cases must be docketed by the appellant by 10:00 o'clock A.M. on April 1, 1969, and that thereafter the appellant's brief is to be filed in the Clerk of Court's office by Noon of April 8, 1969, and appellee's brief to be filed by Noon of April 18, 1969. These cases are to be heard in the Court of Appeals as calendared on April 29, 1969 or thereafter, this being the proper date for the call of the calendar for the Second Judicial District. The case on appeal shall be served by the appellants as provided by law on or before Noon of March 7, 1969, and the appellees are given ten (10) days thereafter in which to file exception or serve a counter-case. The Judge of the District Court is allowed ten (10) days thereafter in which to settle the case on appeal should same become

necessary; and that it be so certified to the Clerk of Superior Court of Hyde County, North Carolina.

Witness my hand and official seal this the 30th day of January, 1969.

/s/ THEODORE C. BROWN, JR.
Clerk of the Court
of Appeals

ACCEPTANCE OF SERVICE

Service of the foregoing and within case accepted in apt time.

This the 7th day of March, 1969.

/s/ HERBERT SMALL
Solicitor

STIPULATION OF COUNSEL

The undersigned attorneys for both the State and the defendant stipulate that the foregoing is a true and correct copy of the transcript of the record and evidence in this case.

/s/ HERBERT SMALL
Solicitor

CHAMBERS, STEIN, FERGUSON
& LANNING

By .....
Attorneys for Defendant

(TRANSCRIPT CERTIFIED BY CLERK
SUPERIOR COURT)

A TRUE COPY

/s/ Adrian J. Newton
Clerk of Supreme Court of North Carolina
[SEAL]

NORTH CAROLINA COURT OF APPEALS
SECOND DISTRICT

Spring Session, 1969

Fall Term 1969 #15—Fall 1969 #35 PC

No. 692DC300

From Hyde

IN RE: SELMA SHELTON (69-J-32)
JOHN GREEN CUNNINGHAM (69-J-33)

Before WARD, J., January 1969 Juvenile Session District Court, Hyde Division of the General Court of Justice. Defendants appealed. (Filed C. A. 4-24-69)

JUVENILE PETITION (Shelton)

File #69-J-32

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Selma Shelton
Age 12
Rt. 1, Swan Quarter, N. C.

Sgt. Willie Rogers, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Beadie Spencer	Mother	Rt. 1, Swan Quarter, N.C.
Otis Spencer	Father	Rt. 1, Swan Quarter, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 14, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of GS 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 15th day of January, 1969.

/s/ SGT. WILLIE ROGERS
Petitioner
S.H.P. Williamston, N. C.
Address

JUVENILE SUMMONS (Shelton)

File #69-J-32

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Selma Shelton
Age 12
Rt. 1, Swan Quarter, N. C.

TO: Beadie Spencer — Rt. 1, Swan Quarter, N. C.

Otis Spencer — Rt. 1, Swan Quarter, N. C.

Child, Parents, Other person having custody — Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held in Swan Quarter, North Carolina, at 9:30 o'clock A. M., on the 21st day of January, 1969, For action by the court on the Petition alleging delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be dealt with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or .....,
is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 15th day of January, 1969.

/s/ LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

RETURN

Received: Jan. 17, 1969

Served: Jan. 17, 1969, by reading to and leaving copies of the foregoing Juvenile Summons with: Otis Spencer, Beadie Spencer

/s/ DENNIS W. SIMMONS, D.S.

ORDER AMENDING JUVENILE PETITIONS
(Shelton)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 21st day of January, 1969, prior to any other proceeding in the case, on motion of the Solicitor for the State it is ordered that Paragraph

#3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above or on about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

JUVENILE PETITION (Cunningham)
File #69-J-33

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
John Green Cunningham
Age 15
Rt. 1, Box 149A,
Engelhard, N. C.

Sgt. Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Ruth Cunningham	Mother	Rt. 1, Box 149A, Engelhard, N.C.
John Cunningham	Father	Rt. 1, Box 149A, Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

Did unlawful and wilfully on November 12, 1968, stand upon the highway or street in such a manner as to impede the regular flow of traffic, in violation of G.S. 20-174.1.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 15th day of January, 1969.

/s/ CHARLES SMITH
Petitioner
S.H.P. Washington, N. C.
Address

JUVENILE SUMMONS (Cunningham)
File #69-J-33

In the General Court of Justice
District Court Division

STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
John Green Cunningham
Age 15
Rt. 1, Box 149A,
Engelhard, N. C.

TO: Ruth Cunningham	Rt. 1, Box 149A Engelhard, N. C.
John Cunningham	Rt. 1, Box 149A Engelhard, N. C.
Child, Parents, Other Person having Custody	Addresses

YOU ARE SUMMONED TO A HEARING in the above case before the Judge of the District Court presiding at a session to be held in Swan Quarter, North Carolina, at 9:30 o'clock A.M., on the 21st day of January, 1969, for action by the court on the Petition, alleging Delinquency.

YOU ARE REQUIRED TO APPEAR IN PERSON at such time and place and show cause why the child or children named above should not be deal with according to the provisions of the North Carolina juvenile law, and if you fail without reasonable cause to appear and abide the order of the court, you may be proceeded against as for contempt of court.

The Sheriff of the County named above, or _____, is hereby directed to serve this Summons by reading the Summons to and leaving true copies thereof with the persons summoned.

This 15th day of January, 1969.

/s/ LENORA R. BRIGHT
Asst. Clerk of the
Superior Court

RETURN

Received: Jan. 17, 1969
Served: Jan. 17, 1969, by reading to and leaving copies of the foregoing Juvenile Summons with Ruth Cunningham

/s/ DEWEY W. SIMMONS, D.S.

ORDER AMENDING JUVENILE PETITIONS
(Cunningham)

The above captioned case being called at the term of District Court of Hyde County called for the trial of Juvenile cases and held on the 21st day of January, 1969, prior to any other proceedings in the case, on motion of the Solicitor for the State it is ordered that Paragraph #3 of the Juvenile Petition be amended to read as follows:

"That the facts and circumstances supporting this Petition for Court action as follows:

That at and in the County named above on or about Nov. 12, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles

and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

/s/ HALLETT S. WARD
District Judge

SUMMARY OF EVIDENCE

IN RE: SELMA SHELTON, 69-J-32

Pursuant to G. S. 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearings. Findings of fact are contained in the attached Order.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 21, 1969, with the undersigned Judge presiding. The State was represented by the Honorable William C. Griffin, Jr., Solicitor for the Second Judicial District and the juvenile was represented by John H. Harmon, Esq. The Solicitor moved that the third paragraph of the Petition in this case, 69-J-32, be amended. There was no objection to the amendment by the Attorney for the juvenile. The amendment was allowed. Upon the call of the above matter for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juvenile, and her parents or guardians, and the witnesses should be present for the hearing. The juvenile was accompanied by her mother and step-father.

The attorney for the juvenile moved to dismiss the petition for the juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally broad and vague, and deprive the juvenile of equal protection and due process of law. Motion denied. EXCEPTION 1.

Mr. Harmon requested trial by jury. Motion denied. EXCEPTION #2

THE COURT: This is not a criminal trial, but a juvenile hearing, and I want to read you the following: Our statutes provide in part that sessions of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine.

In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection at the discretion of the Court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this Statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the

child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether this child is delinquent and in need of the protection and guidance of the State.

Mr. Griffin called SGT. WILLIE ROGERS

DIRECT EXAMINATION

I am Sgt. Willie Rogers, employed by the North Carolina Highway Patrol. I was in Swan Quarter on November 14, 1968, and at that time saw Selma Shelton. When I first saw her she was in a group marching towards Swan Quarter. The group was just east of the courthouse on Business 264 marching in a column of two's on the left-hand shoulder facing traffic. At this time the group was in a very orderly fashion. As the group approached the intersection of 264 and the Oyster Creek Landing Road the group got in the intersection of the highway and began playing basketball, tossing the ball back and forth. When they first went onto the highway there was no traffic in either direction. We advised the group to get off the road, that if they impeded traffic they would be arrested. I was with Sgt. Smith. I don't remember whether we used a horn to speak to the group or not. The first vehicle to approach was a 1964 or 1965 model Chevrolet heading in a westerly direction. This vehicle stopped in the right-hand lane. Moments later a vehicle came from the west headed east and stopped about fifty feet wrom the intersection. We advised them to get out of the street. I was in the street at this time myself. They were still playing basketball. tI struck me once or twice. We advised them that they were under arrest. Selma Shelton advised us at that time that she was sixteen. It was later found that she was fifteen. There were twenty-three females and eleven males. I can positively identify Selma Shelton as being among the group on the traveled portion of the highway. On this particular occasion there was a pick-up truck parked on the shoulder and no traffic could come through from either direction. The photograph you show me shows

the scene as I have described it and depicts the location of the juvenile.

THE STATE: I would like to offer this into evidence as illustrating the testimony of the officer.

No objection.

You can see the defendant in this picture. The truck blocking the shoulder of the highway is also shown. The truck is legally parked and shows that traffic could not have gotten by on the shoulder. Traffic passing on the south side would have gone into the station yard. They were playing basketball. I later determined the defendant was under sixteen. The whole transaction took place in five or ten minutes, not over ten. When I say five or ten minutes that is in reference to the actual time the traffic was blocked. I don't think the group was in the roadway over ten minutes.

CROSS EXAMINATION by John H. Harmon

I don't recall if Selma Shelton actually handled the basketball or not. All the people were not playing basketball at once. They were throwing the ball back and forth. Various ones were handling it.

REDIRECT EXAMINATION by Mr. Griffin

The time was approximately Noon-12:05 p.m.

MR. GRIFFIN: The State Rests.

MR. HARMON: Motion to dismiss

THE COURT: Motion denied. EXCEPTION #3

MR. HARMON: There will be no evidence for the juveniles and we renew our Motion to dismiss.

THE COURT: Motion denied. EXCEPTION #4

ORDER OF CUSTODY (Shelton)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 21st day of January, 1969; and the Court having determined that said

child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Otis Spencer, her step-father, and Beadie Spencer, her mother, the nature of this proceeding, as will appear in the Minutes; and the said child being represented by John H. Harmon, Esq., Attorney of record; and the State being represented by Mr. William C. Griffin, Jr., and it appearing to the Court and the Court finding as a fact that on the 14th day of November 1968, the said child, in the company of other did go upon the traveled portion of one of the main highways in Swan Quarter, North Carolina, and did thereby block and impede the normal flow of traffic, said acts having been intentionally done and for the purpose of blocking and impeding traffic and said acts constituting a violation of G.S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the Juvenile is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED AND DECREED that Selma Shelton be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G. S. 134-91), after having first received notice from the Superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, consistent with the laws of this State; this commitment is suspended and said child placed upon probation for twelve months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;

2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated

agent, at least once each month at a time and place designated by said Director;

3. That said child be at his residence by 11:00 P. M. each evening;

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 21st day of January, 1969.

/s/ HALLETT S. WARD
Judge

To the entry of the foregoing judgment, the respondent juvenile objects and excepts. EXCEPTION #5

APPEAL ENTRY (Shelton)

THE COURT: I presume you will appeal and I suggest that you dictate your own appeal entries.

MR. HARMON: I will use the same appeal entries as were used by Mr. Ferguson: The Respondent and her parents or guardians moves the Court for leave to proceed on the appeal in forma pauperis, alleging that the Respondent and her parents are indigent and unable to pay cost of appeal, and requests that the State bear the expense of the cost of transcript. The juvenile is given 60 days within which to make up and serve her case on appeal upon the State. The State is allowed 30 days therefrom to make up and serve countercase or exceptions. The time for docketing the case is hereby extended ten days beyond the 90-day statutory period.

The foregoing, executed in duplicate original, is respectfully submitted to be a summary of evidence and proceedings heard January 21, 1969, at a regularly cal-

endared session of Juvenile Court in Hyde County. This summary is this day mailed to the Clerk of the Court of Appeals and the Clerk of Superior Court in Hyde County.

This 30th day of January, 1969.

/s/ HALLETT S. WARD
Judge

After the hearing and disposition of this matter and the hearing and disposition of the matter entitled 69-J-33, which constituted all the hearings calendared for January 21, 1969, Mr. Harmon offered the attached Affidavit in support of his previous request that the court find that said Juvenile is indigent and order the expense of printing the record and briefs on appeal be paid by Hyde County. Mr. Harmon stated that he would submit appropriate orders, but no such orders were submitted. The Court advised Mr. Harmon that any memorandum of law would be appreciated. None was received.

The Court is of the opinion that while there is statutory authorization for the appointment of counsel for indigent juveniles there is no authority authorizing the Court to order the expense of printing the record and briefs to be paid by a county. Therefore, the Court has not undertaken to determine whether or not this juvenile is indigent. This portion of the summarization of evidence and findings of fact was not made until the date of mailing to Raleigh and Swan Quarter.

SUMMARY OF EVIDENCE

IN RE: JOHN GREEN CUNNINGHAM, 69-J-33

Pursuant to G. S. 7A-195 of the General Statutes of North Carolina and Rule 19 (g) of Rules of Practice in the Court of Appeals of North Carolina, the undersigned District Judge, commissioned to hold sessions of District Court in this State and within the Second Judicial District for a term of four years, beginning December 2, 1968, respectfully submits the following summarization of the evidence in the above listed Juvenile Hearing. Findings of Fact are contained in the attached Order.

A regularly calendared session of Juvenile Court for the County of Hyde was duly convened January 21, 1969, with the undersigned Judge presiding. The State was represented by the Honorable William C. Griffin, Jr., Solicitor for the Second Solicitorial District and the juvenile was represented by John H. Harmon, Esq. The Solicitor moved that the third paragraph of the Petition in this case, 69-J-33, be amended. There was no objection to the amendment by the attorney for the juvenile. The amendment was allowed. Upon the call of the above matter for hearing and disposition, the Court ordered the general public excluded from the hearing room, stating that only officers of the Court, the juveniles and his parents or guardians, and witnesses should be present for the hearing. The juvenile was accompanied by his mother.

The attorney for the juvenile moved to dismiss the petition for the juvenile on the grounds that the juvenile statutes, N. C. Gen. Stat. Section 110-21, et seq., under which these cases are to be tried are unconstitutionally vague and overbroad, and deprive the juvenile of equal protection and due process of law. Motion denied. EXCEPTION #6

Mr. Harmon requested trial by jury. Motion denied. EXCEPTION #7.

THE COURT: This is not a criminal trial, but a juvenile hearing and I want to read you the following:

Our statutes provide in part that sessions of Juvenile Court shall be held at such times and in such places within the County as the Judge shall from time to time determine.

In the hearing of any case, the general public may be excluded and only such persons admitted as have a direct interest in the case. Sessions of the Court shall not be held in conjunction with any other business of the Court and children's cases shall not be heard at the same time as those against adults. The Court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the Court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child from public office and no child shall be denominated a criminal by reason of such adjudication, nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this Statute is that in all proceedings under its provisions, the Court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the Court should give such child under the circumstances disclosed in the case. Moreover, any Order or Judgment made by the Court in the case of any child should be subject to such modification from time to time as the Court may consider to be for the welfare of the child. In other words, and to summarize, this is not a criminal case, but is a hearing to determine whether this child is delinquent and in need of the protection and guidance of the State.

Mr. Griffin called SGT. CHARLIE SMITH

DIRECT EXAMINATION

I am Sgt. Charlie Smith, employed by the North Carolina Highway Patrol. I was in Hyde County on November 12, 1968, and had an opportunity to see John Green

Cunningham. I first saw him east of the courthouse on 264 Bypass. That was just after lunch. There were twenty-six people apprehended and several who were not taken into custody. When I first observed the group they were walking into the highway and made a circle holding hands. They were moved off the highway more than one time by a squad of troopers. Each time they came back on. As soon as they were blocking traffic on both lanes they were arrested. They were asked to move before they were arrested. Traffic was actually blocked at least one from each direction. John Green Cunningham was among the group on the hard surface portion of the highway at the same time traffic was blocked. The arrests were made after the group was asked to move from the highway. This incident continued more than ten minutes from the time they first walked on the surface until the arrests were made. After the arrest they were brought back to the courthouse to be processed. I mean by this getting their names, addresses, and ages. John Green Cunningham was among the group. He gave his age as sixteen. At the time of the arrest both lanes of the traveled portion of the highway were blocked. A number of people there were not arrested. They were not arrested because they were not blocking traffic. They were on the shoulder of the highway. Only those on the traveled portion of the highway were arrested. I can positively identify John Green Cunningham as being one on the traveled portion of the highway prior to the arrest.

CROSS EXAMINATION by Mr. John H. Harmon

They were on the traveled portion of the road about ten minutes. I can't tell whether John Green Cunningham left the highway. None left the highway until the troopers formed a line and marched towards them. This was done two or three times and then we arrested them. I can positively identify John Green Cunningham as being one of those on the highway. All he was doing was standing on the highway. Some of them were chanting and singing and clapping their hands. None of them were unruly.

REDIRECT EXAMINATION by Mr. Griffin

They were asked to move; they were told to move; then I moved the squad in and marched the squad of the highway and moved towards them and moved them off either two or three times. There was traffic in both lanes of the highway. Traffic was stopped.

MR. GRIFFIN: The State Rests.

MR. HARMON: Motion to dismiss

THE STATE: Motion denied. EXCEPTION #8

MR. HARMON: There is no evidence for the juvenile and I renew my motion to dismiss.

THE STATE: Motion denied. EXCEPTION #9

ORDER OF CUSTODY (Cunningham)

This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 21st day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Ruth Cunningham, his mother, the nature of this proceeding, as will appear in the Minutes; and the said child being represented by John H. Harmon, Esq., attorney of record; and the State being represented by Mr. William C. Griffin, Jr., and it appearing to the Court and the Court finding as a fact that on the 12th day of November, 1968, the said child, in the company of others did go upon one of the main traveled highways of Hyde County, North Carolina, and did remain upon said traveled portion of said highway after being requested to remove therefrom and did by standing in said highway impede the normal flow of traffic and did thereby prevent vehicles from traveling upon said highway, said acts having been willfully done and done with the intention of impeding the normal flow of traffic and the said acts constitute a violation of G. S. 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court

and the Court being satisfied and finding as a fact that the Juvenile is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED AND DECREED that John Green Cunningham be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G. S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, consistent with the laws of this State; this commitment is suspended and said child placed upon probation for twelve months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at his residence by 11:00 P. M. each evening;
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 21st day of January, 1969.

/s/ HALLETT S. WARD
Judge

To the entry of the foregoing judgment the respondent juvenile objects and excepts. EXCEPTION #10

APPEAL ENTRY (Cunningham)

THE COURT: I presume you will appeal and I suggest that you dictate your own appeal entries.

MR. HARMON: I will use the same appeal entries as were used by Mr. Ferguson: The Respondent and her parents or guardians move the Court for leave to proceed on the appeal in forma pauperis alleging that the Respondent and her parents are indigent and unable to pay cost of appeal, and requests that the State bear the expense of the cost of transcript.

The juvenile is given 60 days within which to make up and serve her case on appeal upon the State. The State is allowed 30 days therefrom to make up and serve countercase or exceptions. The time for docketing the case is hereby extended ten days beyond the 90-day statutory period.

After the hearing and disposition of this matter and the hearing and disposition of the matter entitled 69-J-32, which constituted all the hearings calendared for January 21, 1969, Mr. Harmon offered the attached Affidavit in support of his previous request that the Court find that said juvenile is indigent and order the expense of printing the record and briefs on appeal be paid by Hyde County. Mr. Harmon stated that he would submit ap propriate orders, but no such orders were submitted. The Court advised Mr. Harmon that any memorandum of law would be appreciated. None was received.

The Court is of the opinion that while there is statutory authorization for the appointment of counsel for indigent juveniles there is no authority authorizing the court to order the expense of printing the record and briefs to be paid by a county. Therefore, the court has not undertaken to determine whether or not this juvenile is indigent. This portion of the summarization of evidence and findings of fact was not made until the date of mailing to Raleigh and Swan Quarter.

The foregoing, executed in duplicate original, is respectfully submitted to be a summary of evidence and proceedings heard January 21, 1969, at a regularly calendared session of Juvenile Court in Hyde County. This summary is this day mailed to the Clerk of the Court of Appeals and the Clerk of Superior Court of Hyde County.

This 30th day of January, 1969.

/s/ HALLETT S. WARD
Judge

GROUPING OF EXCEPTIONS AND ASSIGNMENTS OF ERROR.

I. The denial of the juveniles' motions to dismiss the petition based on the unconstitutionality of the North Carolina Juvenile Statute, Gen. Stat. Section 110.21, et seq., constituted prejudicial and reversible error in that Chapter 110, Article 2 of the General Statutes of North Carolina is void for vagueness and overbreadth and denies the juveniles their rights of equal protection and due process of the law secured to them by the Fourteenth Amendment of the Constitution of the United States, and Article I, Section 17 of the Constitution of the State of North Carolina.

(EXCEPTIONS Nos. 1, 3, 4, 5, 6, 8, 9, and 10, R pp 9, 12, 14, 16, 19, and 21)

II. The lower court's denial of the juveniles' motion for a trial by jury violated their right to a trial by jury secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 13 and 17 of the Constitution of the State of North Carolina.

(EXCEPTIONS Nos. 2 and 7, R pp 9, 17)

ACCEPTANCE OF SERVICE

Service of the foregoing and within case accepted in apt time. This the 31 day of March, 1969.

/s/ WILLIAM C. GRIFFIN, JR.
Solicitor

STIPULATION OF COUNSEL

The undersigned attorneys for both the State and the defendants stipulate that the foregoing is a true and correct copy of the transcript of the record and evidence in this case.

/s/ WILLIAM C. GRIFFIN, JR.
Solicitor
CHAMBERS, STEIN,
FERGUSON & LANNING

By: JAMES C. FERGUSON, II
Attorneys for Defendant

(TRANSCRIPT CERTIFIED BY
CLERK SUPERIOR COURT)

A TRUE COPY:

/s/ Adrian J. Newton
Clerk of Supreme Court of North Carolina

[SEAL]

SUPREME COURT OF NORTH CAROLINA
SECOND DISTRICT

Fall Term 1969

No. 15

From Hyde

IN RE: BARBARA BURRUS, SARA WHITNEY, DARLENE MCCOY, NINA WHITNEY, DORENE HARRIS, PATRICIA COLLINS, DOLLIE GIBBS, MARIA HARRIS, JULIA ANNA COLLINS, CHERLYN WHITNEY, CATHERINE GIBBS, DEBORAH ANN COLLINS, MARIA HARRIS, EDDIE WHITLEY, ALONZO EDWARD HOLLOWAY, EVELYN EVANGELINE GIBBS, ROSE MARY COLLINS, DEBRA COLLINS, CATHERINE GIBBS, JULIE ANNA COLLINS, SUDIE BELL MCCULLOR, BARBARA BURRUS, WILLIAM BLOUNT, NEKOLA GREEN, SHARON HARRIS, SARAH ANNETTE WHITNEY, WALTER ANTHONY GREEN, DESSIE HARRIS, EVELYN GIBBS, RONNIE LEE TOPPING, TYRONE DUDLEY, THERESA BLOUNT, LINDA SUE GIBBS, PATRICIA COLLINS, DONALD WHITE, WILMA JOYCE WHITAKER, JAMES LAMBERTH HOWARD, ROSE MARY WHITNEY, CHERLYN D. WHITNEY, TRINA SELBY, ALONZO EDWARD HOLLOWAY

NOTICE OF APPEAL

NOTICE OF APPEAL (Filed 6-9-69)

TO: The North Carolina Court of Appeals,
Raleigh, North Carolina
The North Carolina Supreme Court
Raleigh, North Carolina

The Honorable Robert Morgan
Attorney General
Raleigh, North Carolina

Please take notice that the respondents-appellants in the above captioned case, by and through their under-

signed counsel, pursuant to North Carolina General Statute 7A-30(1) hereby give notice of appeal of the decision in the above captioned case, filed by the North Carolina Court of Appeals on May 28, 1969.

As grounds for this appeal, respondent juveniles allege that their rights under the Constitution of the United States and the Constitution of the State of North Carolina have been violated in the following particulars:

1. Respondent-juveniles' rights secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 13 and 17 of the Constitution of the State of North Carolina have been violated in that the Juvenile Court denied their motions for a trial by jury. The decision of the North Carolina Court of Appeals affirming this action of the Juvenile Court is erroneous as a matter of law.

2. The respondent juveniles' rights secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and and Article I Sections 17 and 35 of the Constitution of the State of North Carolina were violated in that they were denied the right to a public trial by the trial court's exclusion of the public from the hearing at which these juveniles were adjudicated delinquent. The decision of the North Carolina Court of Appeals affirming this action of the Juvenile Court is erroneous as a matter of law.

3. The respondent juveniles' rights secured to them by the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section 17 of the Constitution of the State of North Carolina were violated in that these juveniles were tried under a statute, namely Chapter 110 Article II of the General Statutes of North Carolina, which is unconstitutionally vague and overbroad and which permits one who is adjudicated delinquent to be confined in a State institution for an indefinite period of time and which authorizes longer periods of confinement for a juvenile found to be in violation of a criminal statute than for an adult found to be in violation of the same statute. The failure of the North Carolina Court

of Appeals to declare the statute unconstitutional on its face and as applied is erroneous as a matter of law.

4. The juveniles-respondents' right to counsel secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I Section 17 of the Constitution of the State of North Carolina were violated in that the juvenile court denied the juveniles' request for leave to appeal *in forma pauperis* and refused to permit the parents of the juveniles or persons standing *in loco parentis* to take the stand and testify as to their indigency in support of the request for an *in forma pauperis* appeal. The decision of the North Carolina Court of Appeals upholding this action of the juvenile court is erroneous as a matter of law.

The foregoing constitutional questions were timely raised and passed upon by the District Court of Hyde County and the North Carolina Court of Appeals and the rulings of the trial court and the Court of Appeals were erroneous as a matter of law.

Respectfully submitted,

CHAMBERS, STEIN,
FERGUSON AND LANNING

By: JAMES E. FERGUSON, II

ACCEPTANCE OF SERVICE

Service of Notice of Appeal is hereby accepted in apt time.

RALPH MOODY
Deputy Attorney General

OPINION OF NORTH CAROLINA COURT OF APPEALS, No. 692DC256, Spring Session, 1969, Filed 5-28-69

APPEALS from WARD, J., Juvenile Session, 9 January 1969, Hyde County District Court.

Each of these forty-four cases arose out of separate petitions charging each juvenile with various wilful and unlawful acts committed in Hyde County on different dates and different occasions. The petitions requested that the district court, sitting as the juvenile court, hear and determine each case and "if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State."

In some instances, more than one petition was filed charging the same juvenile with different wilful and unlawful acts committed on different dates and different occasions.

In general, these juveniles, who were under the age of sixteen, placed themselves upon the main public thoroughfares in the county seat of Hyde County for the purpose of blocking and stopping vehicular traffic on said thoroughfares. On other occasions, they disturbed the public schools and defaced and destroyed school property.

The petitions set out in particular the accusations against each juvenile, a typical charge being as follows:

> "'That the facts and circumstances supporting this Petition for Court action as follows:
>
> That at and in the County named above on or about Dec. 6, 1968 the defendant above named did intentionally, unlawfully and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease

their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.'"

Pursuant to these forty-four separate petitions, forty-four juvenile summonses were issued, one for each child and the parents or other person having custody of the child to appear before the judge of the juvenile court for a hearing on the petition alleging delinquency. Different days for the various hearings were set and the place for the hearings was specified.

The same counsel appeared in all forty-four cases for the juveniles.

Upon motion of counsel for the juveniles, these forty-four cases were divided into nine groupings, with each grouping containing from one to thirteen cases.

At the time and place appointed, District Court Judge Ward conducted a hearing, at the commencement of which he ordered the general public excluded from the hearing room. He stated that he was going to conduct a juvenile hearing, not a criminal trial, and that no child would be found to have committed a crime. He thereupon ordered the general public excluded from the hearing room and stated that only officers of the court, the juveniles, their parents or guardians, their attorney and witnesses would be present for the hearing. Judge Ward further stated that only the juvenile cases would be heard and that no other court business would be conducted. He then stated:

"All records may be withheld from indiscriminate public inspection in the discretion of the court but such record shall be open to inspection by the par-

ents, guardians or other authorized representatives of the child concerned. No adjudication shall operate as a disqualification of any child for any public office and no child shall be denominated a criminal by reason of such adjudication nor shall any such adjudication be denominated a conviction. Our Supreme Court has stated that the express intention of this statute is that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case. Moreover, any order of judgment made by the court in the case of any child should be subject to such modification from time to time as the court may consider to be for the welfare of the child. In other words and to summarize, this is not a criminal case but is a hearing to determine whether these children or any of them are delinquent and in need of the protection and guidance of the State."

In each instance, counsel for the juveniles requested a jury trial, but the requests were denied.

At the conclusion of the various hearings, judgments were entered, a typical judgment being as follows:

"This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the court having heretofore explained to the child and to Pencie Collins, her mother, the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Furgerson, II, Esq., Attorney of record; and it having been agreed to by the said James E. Furgerson, II, and Hon. Herbert Small, Solicitor for this the First Solicitorial District, that this matter should be consolidated with 69-J-11; 69-J-12; 69-J-14; 69-J-16; 69-J-

28; 69-J-29, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the court, and the court finding as a fact, that on or about the 13th day of November, 1968, the said child did in the company of others go upon the traveled portion of a main highway in Swan Quarter, N. C., and did block and impede traffic, and after being removed from said traveled portion of said highway, did return and block and impede traffic—all said acts having been wilfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the court and the court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Debra Ann Collins be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation;

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his

designated agent, at least once each month at a time and place designated by said Director;

3. That said child be at her residence by 11:00 o'clock p.m. each evening.

4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD"

From the entry of the judgments in the forty-four cases, each juvenile appealed to this Court.

ATTORNEY GENERAL ROBERT MORGAN AND DEPUTY ATTORNEY GENERAL RALPH MOODY FOR THE STATE

JAMES E. FERGUSON, II, FOR DEFENDANTS, APPELLANTS.

CAMPBELL, J. Despite the nine separate groupings and consolidations of cases in the juvenile court, the juveniles, in utter disregard of the Rules of Practice in the Court of Appeals or in any appellate court, lumped the forty-four cases together into one record which was filed with this court. It would be entirely proper to dismiss these appeals for failure to present a proper record. Rule 48 of the Rules of Practice in the Court of Appeals. However, we have nevertheless undertaken to review and to dispose of the cases.

All of the cases stem from what may be classified as a concerted demonstration by Negroes of Hyde County to assert their defiance of law and order to disrupt the normal economic and social life of Hyde County by a wilful, intentional and flagrant disregard and violation of laws duly enacted by the governing bodies of the State for the public welfare and orderly conduct of human affairs for all citizens of the State.

The forty-four cases have certain common features which may be considered in an effort to determine the legal questions presented. Counsel for the juveniles, both at the time of oral argument and later in writing, stated that all exceptions were withdrawn and abandoned, except for the four legal questions which are common to each case. In view of this withdrawal and abandonment, this court agreed to hear and decide these questions, despite the failure to comply with the proper appellate procedures as above stated.

The four questions are: 1. Is a jury trial required in a juvenile court proceeding? 2. Is a public trail required in a juvenile court proceeding? 3. Is the North Carolina Juvenile Courts Act unconstitutional because of vagueness? 4. Did the juvenile court commit error by preventing an appeal *in forma pauperis?*

The first question presented for determination is whether a jury trial is required in a juvenile court proceeding. In support of their argument that a jury trial is required, the juveniles rely upon RE WHITTINGTON, 391 US 341, 20 L Ed 625, 88 S Ct 1507; DUNCAN v LOUISIANA, 391 US 145, 20 L Ed 2d 491, 88 S Ct 1444; RE GAULT, 387 US 1, 18 L Ed 2d 527, 87 S Ct 1428.

While DUNCAN involved the right to a jury trial, it did not involve juveniles or a juvenile court proceeding. Therefore, the case may be dismissed from further consideration. WHITTINGTON did not make any judicial determination and it merely referred the matter back to the Ohio Court for consideration in light of GAULT. Therefore, the only authority to substantiate their argument is GAULT, which considered in some depth juvenile court proceedings. In reviewing the history of such proceedings in the light of whether they complied with due process of law, the United States Supreme Court stated:

> "It is claimed that juveniles obtained benefits from the special procedures applicable to them which more than offset the disadvantages of denial of the substance of normal due process. As we shall dis-

cuss, the observance of due process standards, intelligently and not ruthlessly administered, will not compel the States to abandon or displace any of the substantive benefits of the juvenile process. But it is important, we think, that the claimed benefits of the juvenile process should be candidly appraised. . .

. . .

. . . We do not mean by this to denigrate the juvenile court process or to suggest that there are not aspects of the juvenile system relating to offenders which are valuable. But the features of the juvenile system which its proponents have asserted are of unique benefit will not be impaired by constitutional domestication. For example, the commendable principles relating to the processing and treatment of juveniles separately from adults are in no way involved or affected by the procedural issues under discussion. Further, we are told that one of the important benefits of the special juvenile court procedures is that they avoid classifying the juvenile as a 'criminal.' The juvenile offender is now classed as a 'delinquent.' There is, of course, no reason why this should not continue. It is disconcerting, however, that this term has come to involve only slightly less stigma than the term 'criminal' applied to adults. It is also emphasized that in practically all jurisdiction, statutes provide that an adjudication of the child as a delinquent shall not operate as a civil disability or disqualify him for civil service appointment. There is no reason why the application of due process requirements should interfere with such provisions."

The United States Supreme Court went on to point out that juvenile hearings must measure up to the essentials of due process and fair treatment. In so holding it was stated that such hearings need not conform to all of the requirements of a criminal trial or even of the usual administrative hearing. However, certain requirements must be followed in order to measure up the essentials of due process and fair treatment. Proper notice must be

given to both the juvenile and his parents, that is "(n)otice which would be deemed constitutionally adequate in a civil or criminal proceeding." Likewise, the United States Supreme Court held that a juvenile was entitled to counsel and "(t)he child and his parents must be notified of the child's right to be represented by counsel retained by them, or if they are unable to afford counsel, that counsel will be appointed to represent the child." It was then held that the rights of confrontation and cross examination and the privilege against self-incrimination must be observed in a juvenile court proceeding. The United States Supreme Court stated:

> "We conclude that the constitutional privilege against self-incrimination is applicable in the case of juveniles as it is with respect to adults. We appreciate that special problems may arise with respect to waiver of the privilege by or on behalf of children, and that there may well be some differences in technique. . ."

The United States Supreme Court further stated:

> ". . . a determination of delinquency and an order of commitment to a state institution cannot be sustained in the absence of sworn testimony subjected to the opportunity for cross examination in accordance with our law and constitutional requirements."

GAULT was not decided by a unanimous court. There were two concurring opinions and one dissenting opinion. Another opinion concurred in part and dissented in part.

There is certainly nothing in GAULT to support the argument that a jury trial is required in juvenile court proceedings. On the contrary, the decision clearly shows that juvenile court proceedings are not to be considered as criminal cases and they are not to be held to the requirements of a criminal case. Juvenile court proceedings are to continue as distinct and separate proceedings. While the essentials of due process and fair treatment are to be maintained, this does not by any means require a jury trial. In the instant case, all of the hearings conducted by Judge Ward measured up to the essentials of

due process and fair treatment, as those terms were used and applied in GAULT.

In COMMONWEALTH v JOHNSON, 211 Pa Super. 62, 234 A 2d 9, the Pennsylvania Superior Court reviewed the GAULT decision and rejected the position that a jury trial must be afforded in a juvenile court proceeding. It was stated:

> "The National Crime Commission Report, supra, to which the Supreme Court frequently referred in GAULT, contains the following significant statement: 'Most States do not provide jury trial for juveniles. Even Illinois, New York and California, which have recently revised their juvenile court laws to increase procedural safeguards for the child, have not extended the right to trial by jury. There is much to support the implicit judgment by these states that trial by jury is not crucial to a system of juvenile justice. AS THIS REPORT HAS SUGGESTED, THE STANDARD SHOULD BE WHAT ELEMENTS OF PROCEDURAL PROTECTION ARE ESSENTIAL FOR ACHIEVING JUSTICE FOR THE CHILD WITHOUT UNDULY IMPAIRING THE JUVENILE COURT'S DISTINCTIVE VALUES. (Emphasis added)
>
> 'As has been observed, "A jury trial would inevitably bring a good deal more formality to the juvenile court without giving the youngster a demonstrably better fact-finding process than trial before a judge."'
>
> In summary, we are in full agreement with the holding of the Supreme Court that the constitutional safeguards of the Fourteenth Amendment guaranteed to adults must similarly be accorded juveniles. It is inconceivable to us, however, that our highest court attempted, through GAULT, to undermine the basic philosophy, idealism and purposes of the juvenile court. We believe that the Supreme Court did not lose sight of the humane and beneficial elements of the juvenile court system; it did not ignore the

> need for each judge to determine the action appropriate in each individual case; it did not intend to convert the juvenile court into a criminal court for the young people. Rather, we find that the Supreme Court recognized that juvenile courts, while acting within the constitutional guarantees of due process, must, nonetheless, retain their flexible procedures and techniques. The institution of jury trial in juvenile court, while not materially contributing to the fact-finding function of the court, would seriously limit the court's ability to function in this unique manner, and would result in a sterile procedure which could not vary to meet the needs of delinquent children. Accordingly, we reject appellant's request for a jury trial."

In passing on this specific question, the North Carolina Supreme Court has held that the constitutional guarantee of a right to trial by jury does not apply in juvenile court proceedings. STATE v FRAZIER, 254 NC 226, 118 SE 2d 556. Therefore, it follows that, since neither the Constitution of the United States as interpreted by the United States Supreme Court nor the Constitution of North Carolina as interpreted by the North Carolina Supreme Court requires a jury trial in a juvenile court proceeding, the first question is answered in the negative.

The second question presented for determination is whether a public trial is required in a juvenile court proceeding. As previously pointed out, Judge Ward ordered the general public excluded from the hearing room and stated that only officers of the court, the juveniles, their parents or guardians, their attorney and witnesses would be present for the hearing. He then announced that only the juvenile cases would be heard and that no other court business would be conducted. This was in keeping with the provisions of the North Carolina Juvenile Courts Act.

Counsel for the juveniles has furnished no authority to support a holding that GS 110-24 is unconstitutional in that it provides for the exclusion of the general public from a juvenile hearing. The provision is certainly not

unfair or lacking in due process. The objectives of the North Carolina Juvenile Courts Act are to provide measures of guidance and rehabilitation for the child and to provide protection for society. It does not seek to fix criminal responsibility, guilt and punishment. The exclusion of the general public from such a hearing is deemed to be beneficial for the rehabilitation of the child involved. In the instant case, it is true that such a provision thwarted the hopes and desires of those instigating and promoting these unfortunate children in their public demonstrations. The deprivation of a public forum to further their misguided and antisocial conduct does not make it wrong or illegal in a constitutional sense.

A public trial is not required in a juvenile court proceeding. Therefore, the second question is answered in the negative.

The third question presented for determination is whether the North Carolina Juvenile Courts Act is unconstitutional because of vagueness. Art. 2 of Chap. 110 of the General Statutes of North Carolina provides for juvenile courts and for the procedure therein. Exclusive original jurisdiction of a child less than sixteen years of age is provided for as follows:

> "(1) Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or
>
> "(2) Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be and for permitting which an adult may be punished by law, or who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child; or
>
> "(3) Who is dependent upon public support or who is destitute, homeless, or abandoned, or whose custody is subject to controversy.
>
> "When jurisdiction has been obtained in the case of any child, unless a court order shall be issued to

> the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this article during the minority of the child. The duty shall be constant upon the court to give each child subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of such child and to the best interest of the State."

The juveniles assert that the statute is void because of vagueness and uncertainty and because it requires one to guess as to its meaning. This same contention was made in STATE v WIGGINS, 272 NC 147, 158 SE 2d 37, with regard to another statute. The North Carolina Supreme Court stated:

> "It is elementary that in the construction of a statute words ought to be given their plain and ordinary meaning unless the context, or the history of the statute, requires otherwise. . ."

The words in Art. 2 of Chap. 110 have well-defined meanings and have been construed time and time again in decisions dealing with juvenile courts. The provisions of this article have been upheld by the North Carolina Supreme Court.

Suffice it to say that the North Carolina Juvenile Courts Act is not unconstitutional because of any vagueness. WINNER v BRICE, 212 NC 294, 193 SE 400. Therefore, the third question is answered in the negative.

The fourth question presented for determination is whether the juvenile court committed error by preventing an appeal *in forma pauperis*. The record in the instant case reveals the following:

> "COURT: Do you wish to note any appeal?
>
> MR. FERGUSON: Yes, and I would like 60 days in which to prepare the case on appeal.
>
> COURT: I am afraid that this is too much time, too much time under the rules.
>
> MR. FERGUSON: I would also like to be allowed to proceed in forma pauperis.

COURT: I am afraid that I cannot allow that simply upon your request. We should examine the statutes, however; I am willing, if I can, to allow you to proceed without an appeal bond. EXCEPTION NO. 16

MR. FERGUSON: You might permit me to have the parents sworn and treat the testimony as an affidavit.

COURT: I am afraid that I cannot do that. EXCEPTION NO. 17. I am going to suggest that you dictate your own appeal entries in whatever fashion you deem appropriate and I will sign whatever you dictate."

As the above excerpt reveals, even after Judge Ward suggested to counsel for the juveniles that the statutes be examined in order to comply with the statutory procedure for an appeal *in forma pauperis*, counsel failed to look at said statutes and did not in any way comply with the procedure provided by law for an appeal *in forma pauperis*.

It was not error for Judge Ward to suggest to counsel for the juveniles that the statutory procedure pertaining to an appeal *in forma pauperis* be complied with. Since such procedure was not complied with by the juveniles, no error was committed. Therefore, the fourth question is answered in the negative.

There being no error in the trial of these cases in the juvenile court, the various judgments in the forty-four cases are

AFFIRMED.

We concur MALLARD, C.J. and MORRIS, J.

A TRUE COPY:

/s/ Adrian J. Newton
Clerk of Supreme Court of North Carolina.

[SEAL]

SUPREME COURT OF NORTH CAROLINA
SECOND DISTRICT

Fall Term 1969

No. 15

From Hyde

IN RE: SELMA SHELTON (69-J-32)
JOHN GREEN CUNNINGHAM (69-J-33)

NOTICE OF APPEAL

NOTICE (Filed in Supreme Court Aug. 15, 1969)

TO: The North Carolina Court of Appeals
Raleigh, North Carolina

The North Carolina Supreme Court
Raleigh, North Carolina

The Honorable Robert Morgan
Attorney General
Raleigh, North Carolina

Andrew A. Vanore, Jr., Staff Attorney
Attorney General's Office
Raleigh, North Carolina

Please take notice that the respondents-appellants in the above-captioned case, by and through their undersigned counsel, pursuant to North Carolina General Statute 7A-30(1), hereby give notice of appeal of the decision in the above-captioned case filed by the North Carolina Court of Appeals on July 23, 1969. Grounds for this appeal: respondents juveniles allege that their rights under the Constitution of the United States and the Constitution of the State of North Carolina have been violated in the following particulars:

1. The respondent juveniles' rights secured to them by the due process and equal protection clauses of the

Fourteenth Amendment to to the Constitution of the United States and Article I, Section 17 of the North Carolina Constitution were violated in that these juveniles were tried under a statute, namely, Chapter 110, Article II of the General Statutes of North Carolina, which is unconstitutionally vague and overbroad and which permits one who is adjudicated a delinquent to be confined in a state institution for an indefinite period of time and which authorizes a longer period of confinement for a juvenile found to be in violation of a criminal statute than for an adult found to be in violation of the same statute. Failure of the North Carolina Court of Appeals to declare the statute unconstitutional on its face and as applied is erroneous as a matter of law.

2. The respondent juveniles' rights secured to them by the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 13 and 17 of the Constitution of the State of North Carolina were violated in that the juvenile Court denied their motions for a trial by jury. The decision of the North Carolina Court of Appeals affirming this action of the juvenile Court is erroneous as a matter of law.

The following constitutional questions were timely raised and passed upon by the District Court of Hyde County and the North Carolina Court of Appeals and the rulings of the trial court and the Court of Appeals are erroneous as a matter of law.

Respectfully submitted,

/s/ JAMES E. FERGUSON, II
CHAMBERS, STEIN,
FERGUSON AND LANNING
Attorneys for
Respondents-Appellants

OPINION OF NORTH CAROLINA COURT OF APPEALS, No. 692DC300, Spring Session 1969, Filed 7-23-69

Appeal by respondents from WARD, District Judge, January 1969 Juvenile Session, District Court of Hyde County, Division of the General Court of Justice.

ATTORNEY GENERAL ROBERT MORGAN AND STAFF ATTORNEY ANDREW A. VANORE, JR. FOR THE STATE.

CHAMBERS, STEIN, FERGUSON AND LANNING BY JAMES E. FERGUSON, II FOR RESPONDENTS.

MALLARD, C.J. These matters were heard separately on 21 January 1969. Evidence was taken separately. There has been no order entered consolidating these proceedings for a hearing. See Rule 14 of the Rules of Practice in the Court of Appeals. Under Rule 48 it would be entirely proper to dismiss the appeal, however, we decide the proceedings on their merits.

In a juvenile petition, #69-J-32, the respondent Selma Shelton, of Rt. 1, Swan Quarter, was alleged to be under 16 years of age and in need of the care, protection or discipline of the State. In the petition, it is alleged, in substance, that such need was demonstrated and evidenced by the conduct of the respondent on 14 November 1968 in unlawfully, wilfully, and intentionally blocking, obstructing, and impeding the flow of traffic on the State Highway and street passing through and traversing the community of Swan Quarter, in violation of G.S. 20-174.1. The evidence tended to show that at the time thereof this respondent was one of a group of twenty-three females and eleven males engaged in such conduct.

In another juvenile petition, #69-J-33, the respondent John Green Cunningham, of Rt. 1, Engelhard, was alleged to be under 16 years of age and in need of the care, protection or discipline of the State. In the petition, it is alleged, in substance, that such need was demonstrated and evidenced by the conduct of the respondent on 12 November 1968 in unlawfully, wilfully

and intentionally blocking, obstructing, and impeding the flow of traffic on the State Highway and street passing through and traversing the community of Swan Quarter, in violation of G.S. 20-174.1. The evidence tended to show that at the time thereof this respondent was one of a group of twenty-six persons engaged in such conduct.

After the hearings, a separate, but almost identical order of custody was entered declaring each to be a delinquent in need of more suitable guardianship. In each of the orders of custody, it is provided that the respondent:

> "is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the Superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as the Board of Juvenile Correction or the Superintendent of said institution may determine, consistent with the laws of this State; this commitment is suspended and said child placed upon probation for twelve months, under these special conditions of probation:
>
> 1. That said child violate none of the laws of North Carolina for 12 months;
> 2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
> 3. That said child be at his residence by 11:00 P.M. each evening;
> 4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.
>
> This matter is retained pending further order of the Court."

The respondents contend that the North Carolina Juvenile Statute as contained in Article II of Chapter 110 of the General Statutes is unconstitutional.

Respondents also contend that their constitutional rights were violated because they were not afforded jury trials.

These questions in identical language were raised and decided contrary to respondent's contentions in the case of *In Re Burrus*, 4 N.C. App. 523, —— S.E. 2d —— (1969).

In *Burrus* the factual situation was almost the same as here. The evidence in both tended to show that groups of children were permitted or allowed by their parents or persons *in loco parentis* to gather together in gangs and roam up and down the streets and highways intentionally and wilfully blocking and impeding the flow of traffic to the harassment of all the people at that time lawfully using those particular streets and highways in Hyde County.

For the reasons enunciated in *Burrus*, we are of the opinion and so hold that the North Carolina Juvenile Statute as contained in Article II of Chapter 110 of the General Statutes is not unconstitutional, and that the constitutional rights of the respondents were not violated because they were not afforded a jury trial.

AFFIRMED.

BRITT and PARKER, JJ., concur.

PETITION

(Filed 8/15/69)

Come now the juvenile respondents in the above-captioned matter, by and through their undersigned counsel, pursuant to Rule 14 of the Rules of the North Carolina Supreme Court, and respectfully petition the Court for an order providing that the above-captioned case be heard

and argued together with the case of In Re: Barbara Burrus, et al., Number 15, and as grounds therefor, respectfully show the Court the following:

1. The case of In Re: Barbara Burrus, et al, Number 15, was decided by the North Carolina Court of Appeals on May 28, 1969 and thereafter, pursuant to North Carolina General Statute 7A-30(1), notice of appeal was filed.

2. In paragraphs 1 and 3 of the said notice of appeal in In Re: Burrus, issues identical to the issues raised in this appeal were raised.

3. A brief has been timely filed in the Supreme Court of North Carolina in the case of In Re: Burrus, setting forth the arguments applicable to the issues raised in the instant appeal. The oral argument in In Re: Burrus has not been set and is pending in the Supreme Court of North Carolina.

4. Counsel in this appeal is also counsel in the appeal involved in In Re: Burrus. Counsel has reviewed the record and brief in In Re: Burrus and the record in the instant case and is of the opinion that the contentions of the juvenile respondents in the instant case and the contentions of the juvenile respondents in In Re: Burrus can be fully, adequately and effectively presented to the Court if heard together as one case. Counsel is further of the opinion that the interests of justice and the expedient administration of the system of justice will be served if these cases are heard together as one appeal.

WHEREFORE, juvenile respondents respectfully pray the Court that the above-captioned case be heard together as one appeal with the case of In Re: Burrus, Number 15, in the Supreme Court of North Carolina.

Respectfully submitted,

/s/ JAMES E. FERGUSON, II
CHAMBERS, STEIN,
FERGUSON AND LANNING
Attorneys for
Respondents-Appellants

ORDER TO CONSOLIDATE THIS CASE WITH CASE OF IN RE: BURRUS, ET AL

It appearing to the Court that the factual situation here is substantially identical to the factual situation in the case of In Re: Burrus, et al (No. 15, Fall Term 1969),

IT IS ORDERED that this case be consolidated with the case of In Re: Burrus, et al, advanced on the calendar, and heard as one appeal on Wednesday, 10 September 1969.

By order of the Court in conference on 26 August 1969.

/s/ HUSKINS
For the Court

A TRUE COPY:

/s/ Adrian J. Newton
Clerk of Supreme Court of North Carolina

[SEAL]

JUDGMENT

SUPREME COURT OF NORTH CAROLINA
HYDE COUNTY

No. 1544 Misc., Fall Term, 1969

No. 15

IN RE: BARBARA BURRUS

vs.

This cause came on to be argued upon the transcript of the record from the North Carolina Court of Appeals:

Upon consideration whereof, this Court is of opinion that there is no error in the record and proceedings of said Court of Appeals.

It is therefore considered and adjudged by the Court here that the opinion of the Court, as delivered by the Honorable J. FRANK HUSKINS Justice, be certified to the said North Carolina Court of Appeals, to the intent that the JUDGMENT BE AND THE SAME IS HEREBY MODIFIED AND AFFIRMED AS INDICATED IN SAID OPINION. And it is considered and adjudged further, that the RESPONDENTS DO PAY the costs of the appeal in this Court incurred, to wit, the sum of ***TWENTY-THREE AND 20/100*** dollars ($23.20), and execution issue therefor. Certified to North Carolina Court of Appeals this 27th day of October 1969, and a copy of this transcript to the Clerk of the Superior Court of Hyde County for docketing as a judgment in his office.

A TRUE COPY

ADRIAN J. NEWTON
Clerk of the Supreme Court

By: /s/ Frances P. Randolph
FRANCES P. RANDOLPH
Deputy Clerk

IN THE SUPREME COURT OF NORTH CAROLINA

FALL TERM 1969

No. 15

Hyde

IN RE: BARBARA BURRUS (69-J-17), SARAH WHITNEY (69-J-18), DARLENE MCCOY (69-J-19), NINA WHITNEY (69-J-20), DORENE HARRIS (69-J-21), PATRICIA COLLINS (69-J-22), DOLLIE GIBBS (69-J-23), MARIA HARRIS (69-J-24), TRINA SELBY (69-J-1), DORENE HARRIS (69-J-3), JULIA ANNA COLLINS (69-J-4), CHERLYN WHITNEY (69-J-5), CATHERINE GIBBS (69-J-6), DEBORAH ANN COLLINS (69-J-8), MARIA HARRIS (69-J-9), EDDIE WHITLEY (69-J-10), ALONZO EDWARD HOLLOWAY (69-J-30), EVELYN EVANGELINE GIBBS (69-J-11), ROSE MARY COLLINS (69-J-12), DEBRA ANN COLLINS (69-J-13), CATHERINE GIBBS (69-J-14), JULIA ANNA COLLINS (69-J-16), ELVIRA VASHTI WESTON (69-J-28), SUDIE BELL MCCULLOR (69-J-29), BARBARA BURRUS (68-J-4), WILLIAM BLOUNT (68-J-5), NEKOLA GREEN (68-J-6), SHARON HARRIS (68-J-7), SARAH ANNETTE WHITNEY (68-J-8), WALTER ANTHONY GREEN (68-J-9), DESSIE HARRIS (68-J-10), EVELYN GIBBS (68-J-11), RONNIE LEE TOPPING (68-J-12), TYRONE DUDLEY (68-J-13), THERESA BLOUNT (68-J-14), LINDA SUE GIBBS (68-J-15), PATRICIA COLLINS (69-J-27), DONALD WHITE (69-J-25), WILMA JOYCE WHITAKER (69-J-26), JAMES LAMBERT HOWARD (68-J-3), ROSE MARY WHITNEY (69-J-15), CHERLYN D. WHITNEY (69-J-2), TRINA SELBY (69-J-7), ALONZO EDWARD HOLLOWAY (69-J-31), SELMA SHELTON (69-J-32), JOHN GREEN CUNNINGHAM (69-J-33)

Appeals by respondents from decision of the Court of Appeals affirming judgments of Ward, J., entered at the 9 and 21 January 1969 Juvenile Sessions, Hyde County District Court.

These cases, more than forty in number, were consolidated by consent for hearing in the Juvenile Court of Hyde County. On appeal to the Court of Appeals they were lumped into one record. Upon appeal to this Court

it was made to appear that the factual situation in two additional cases involving the juveniles Selma Shelton and John Green Cunningham was substantially identical to the factual situation in the case of In Re Burrus, et al, and this Court ordered a consolidation and heard all the cases as one appeal.

All persons involved in these proceedings are juveniles residing in Hyde County, North Carolina. On six different occasions in November and December, 1968, these juveniles (with the exception of James Lambert Howard) were observed by State Highway Patrolmen standing upon the public highway tossing a basketball back and forth and singing, clapping, and marching. "Between September 11th and November 13th they marched practically every day." As a result, vehicular traffic was prevented from proceeding in either direction. The juveniles and numerous adults were asked to remove themselves from the road to allow traffic to pass. They either refused to do so or left the roadway and immediately returned. Said juveniles, with numerous adults who were also participating in the unlawful conduct, were then taken into custody. After ascertaining the juveniles herein named to be under sixteen years of age the officers obtained juvenile petitions. The following petition in re Barbara Burrus is substantially identical to the petitions in all cases (except James Lambert Howard):

In the General Court of Justice
District Court Division

"STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
Barbara Burrus
Age 13
Box 83, Fairfield, N. C.

Charles Smith, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Lillie Mae Burrus	Mother	Box 83, Fairfield, N.C.
David Burrus	Father	Box 83, Fairfield, N.C.

3. That the facts and circumstances supporting this Petition for court action are as follows:

That at and in the county named above on or about Nov. 14, 1968, the defendant above named did intentionally, unlawfully, and willfully stand upon the traveled part or portion of a State highway and street passing through and traversing the community of Swan Quarter and did willfully, intentionally and unlawfully stand upon that portion of said highway and street used by the traveling public in the operation of automobiles, trucks and other motor vehicles in such a way and manner as to cause said motor vehicles being operated upon the traveled portion of said street and highway to stop and cease their traveling or operation and in some cases caused said motor vehicles and the operators of same to be detained, stop and cease operation and to force same, in some cases, to seek detours or other methods of traveling, all in such a way and manner as to obstruct, hinder, impair and stop the progress of said motor vehicles and their operators and to impede the regular flow and normal traffic of said motor vehicles and their operators upon said highway and street, contrary to the statute in such cases made and provided, the same being Section 20-174.1 of the General Statutes of North Carolina, and against the peace and dignity of the State.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 3 day of January, 1969.

/s/ SGT. CHARLES SMITH
Petitioner
S.H.P. Washington, N. C.

(Verified by Charles Smith, Petitioner, on 1-3-69.)"

Sergeant Rogers of the State Highway Patrol observed sixteen persons, including James Lambert Howard, in the Principal's office of the O. A. Peay School at 10:30 a.m. on December 5, 1968, while school was in session, yelling, piling objects against the windows, moving furniture including a metal cabinet, placing a bed against the door, emptying papers on the floor, turning chairs upside down, and generally littering the office with books, papers, a roll of electrical wire and other items of property belonging to the school. As a result, the school closed before noon. None of the sixteen were students or school personnel. All sixteen were taken into custody and a petition filed with respect to Howard in the following language:

In the General Court of Justice
District Court Division

"STATE OF NORTH CAROLINA
COUNTY OF HYDE

In the Matter of
James Lambert Howard
Age 15
P. O. Box 222, Engelhard, N. C.

Clyde Fentress, Petitioner, having sufficient knowledge or information to believe that the child named above (whether one or more) is in need of the care, protection or discipline of the State, alleges:

1. That said child is less than sixteen years of age, and is now residing within the territorial jurisdiction of the District Court for this County at the address shown above.

2. That the names of the parents, and of the person having the guardianship, custody or supervision of said child if other than a parent, are as follows:

Name	Relation	Address
Thad Howard	Father	P.O. Box 222 Engelhard, N.C.
Pearl Howard	Mother	P.O. Box 222 Engelhard, N.C.

3. That the facts and circumstances supporting this Petition for Court action are as follows:

That at and in the County named above on or about December 5, 1968 the defendant named above did unlawfully, willfully and intentionally and did knowingly, willfully, and unlawfully interrupt and disturb the O. A. Peay School, the same being a public school owned and operated by the Board of Education of Hyde County, and located in the community of Swan Quarter, North Carolina, and being a public building, by uttering rude and riotous noises and shouts and by engaging in acts of disorderly conduct in and near said public school building, owned and operated by the Board of Education of Hyde County, which said unlawfully, rude and riotous noises, shouts and other disorderly conduct in and near public school building interrupted and disturbed the operation of said public school.

And, the said Clyde Fentress, complainant as aforesaid, upon oath further alleges that the said defendant, James Lambert Howard, did further interrupt and disturb operation of a public school operated by the Board of Education of Hyde County, the same being the O. A. Peay School, of the Community of Swan Quarter, by engaging in disorderly acts and conduct in and near said public school by seizing and scattering the papers, books and other equipment of said school and by defacing, injuring

and damaging the public school furniture and other educational equipment of the said O. A. Peay School, owned and operated by the Board of Education of Hyde County, all of which occurred while said public school was in regular session and performing the educational functions administered by said Board of Education.

All of the above riotous and disorderly interruptions and disturbances being contrary to the statutes made and provided, the same being Sections 14-132 and 14-273 of the General Statutes of North Carolina, and contrary to the peace and dignity of the State.

Petitioner, therefore, prays the court to hear and determine this case, and, if need be found, to give said child such oversight and control as will promote the welfare of such child and the best interest of the State.

This 5th day of December, 1968.

/s/ C. O. FENTRESS S.B.I.
Petitioner
Washington,
North Carolina

(Verified by C. O. Fentress, Petitioner, on 12-5-68.)"

Summonses were duly issued in each proceeding and at the same time and place named therein the District Court judge conducted a hearing at the commencement of which he ordered the general public excluded from the room. The judge stated that he was preparing to conduct a juvenile hearing—not a criminal trial, and that no child would be found to have committed a crime. He thereupon ordered the general public excluded and stated that only officers of the court, the juveniles, their parents or guardians, their attorney and witnesses would be present for the hearing. Judge Ward further announced that only the juvenile cases would be heard and that no other court business would be conducted. In each instance,

counsel for the juveniles objected to the exclusion of the general public and demanded a jury trial. The objection was overruled and request for jury trial denied.

At the conclusion of the various hearings, Judge Ward entered the following "Order of Commitment and Probation" with respect to Barbara Burrus:

> "This matter, coming on to be heard, and being heard at this regularly calendared session of Juvenile Court for the County of Hyde convened this 9th day of January, 1969; and the Court having determined that said child is under sixteen (16) years of age and is a resident of Hyde County, N. C.; and the Court having heretofore explained to the child and to Lillie Mae Burrus—her mother—the nature of this proceeding; as will appear in the minutes; and said child being represented by James E. Ferguson II, Esq., Attorney of Record; and it having been agreed to by the said James E. Ferguson, II and Hon. Herbert Small, Solicitor for this The First Solicitorial District, that this matter should be consolidated with 69-J-18; 69-J-19; 69-J-20; 69-J-21; 69-J-22; 69-J-23; 69-J-24, for hearing, findings and disposition and said attorneys having further agreed that such consolidation is in no way prejudicial to said child and does not violate the spirit or intent of Article 2, Chapter 110 of the General Statutes of North Carolina; and it appearing to the Court, and the Court finding as a fact, that on or about the 14 day of November, 1968, the said child did in the company of others go upon one of the main traveled highways in Swan Quarter and did remain upon said traveled portion of said highway in a manner calculated to impede traffic—all of said acts having been willfully and intentionally done and designed to impede traffic, and that said acts constitute a violation of GS 20-174.1, an act for which an adult may be punished by law; and it further appearing to the Court and the Court being satisfied and finding as a fact that the said child is in need of the care, protection and discipline of the State, and is in need of more suitable guardianship and is delinquent;

It is now, therefore, ORDERED, ADJUDGED and DECREED that Barbara Burrus be, and she is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in GS 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State; this commitment is suspended and said child placed upon probation for 12 months, under these special conditions of probation:

1. That said child violate none of the laws of North Carolina for 12 months;
2. That said child report to the Director of the Hyde County Public Welfare Department, or his designated agent, at least once each month at a time and place designated by said Director;
3. That said child be at her residence by 11:00 o'clock P. M. each evening.
4. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

This matter is retained pending further order of the Court.

This 9th day of January, 1969.

/s/ HALLETT S. WARD"

Similar commitment and probation orders were entered with respect to all the other juveniles except James Lambert Howard. As to him the following "Order of Commitment and Probation" was entered:

"This matter coming on to be heard and being heard at this regularly calendared session of Juve-

nile Court for the County of Hyde convening this 10th day of January, 1969, the Court having determined that the juvenile is under sixteen (16) years of age, the Court having heretofore explained to the child and to Pearl Howard, the mother of the child, the nature of this proceeding, it appearing to the Court, and the Court finding as a fact that on or about the 5th day of December, 1968, the said child did, in the company of 15 others, enter without lawful authority the O. A. Peay School in Swan Quarter, North Carolina, and participate with others in making loud noises which were calculated to and did in fact disturb and disrupt said school which was then in session and did disarrange and disrupt an office in said school and did join with others in a course of conduct designed to cause a cessation of school activities and that said acts constitute a violation of GS 14-132 and GS 14-273; and it further appearing to the Court and the Court being satisfied and finding as a fact that said James Lambert Howard is in need of the care, protection and discipline of the State and is in need of more suitable guardianship, and is delinquent.

Now, it is therefore, ORDERED, ADJUDGED AND DECREED, that James Lambert Howard be, and he is hereby committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State (as said institutions may be enumerated in GS 134-91) and held by said institution for no definite term, but until such time as the Board of Juvenile Correction or the Superintendent of said institution shall determine, not inconsistent with the laws of this State. This commitment is suspended and said child placed on probation for 24 months:

1. That he violate no laws of the State of North Carolina for 24 months.

2. That he be at his residence by 11:00 P. M. each evening.

3. That said child attend some school, public or private, or some institution offering training approved by the Hyde County Director of Public Welfare.

4. That he report to the Director of the Hyde County Department of Public Welfare, or his designated agent at least once each month at a time and place designated by said Director.

This matter is retained pending further order of the Court.

This 10 day of January, 1969.

/s/ HALLETT S. WARD"

From the foregoing orders each juvenile through counsel appealed to the Court of Appeals which affirmed the judgments by decisions appearing in 4 N.C. App. 523, 167 S.E. 2d 454, and 5 N.C. App. 487, —— S.E. 2d ——. Respondents thereupon appealed to the Supreme Court, alleging involvement of substantial constitutional questions.

CHAMBERS, STEIN, FERGUSON AND LANNING by James E. Ferguson, II, Attorneys for Respondent Appellants.

ROBERT MORGAN, Attorney General, and RALPH MOODY, Deputy Attorney General, for the State.

HUSKINS, J. Four questions, preserved and brought forward, will be discussed in chronological order.

1. Under the Sixth and Fourteenth Amendments to the Constitution of the United States and Article I, Section 17, of the Constitution of North Carolina, is a juvenile entitled to a jury trial in a juvenile court proceeding on the issue of his delinquency?

The Constitution of the United States, Article III, Section 2, reads in pertinent part as follows: "The trial of all crimes, except in cases of impeachment, shall be by jury. . . ." The Sixth Amendment thereto provides, *inter alia*: "In all criminal prosecutions the accused shall enjoy the right to a . . . trial, by an impartial jury. . . ."

The Constitution of North Carolina, Article I, Section 13, reads as follows: "No person shall be convicted of any crime but by the unanimous verdict of a jury. . . . The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal."

Absent a statute providing for a jury trial, it is almost universally held that in juvenile court delinquency proceedings the alleged delinquent has no right under the pertinent State or Federal Constitution to demand that the issue of his delinquency be determined by a jury. See Annotation: Right to Jury Trial in Juvenile Court Delinquency Proceedings, 100 A.L.R. 2d 1241, where cases are collected from twenty-five states and the District of Columbia. "The view has generally been taken that statutes providing for the custody or commitment of delinquent or incorrigible children are not unconstitutional by reason of failure to provide for a jury trial, where the investigation is into the status and needs of the child, and the institution to which the child is committed is not a penal character. Thus it is held that a constitutional guaranty of trial by jury has no application to a proceeding under the juvenile court act." 31 Am. Jur., Juvenile Courts, etc. § 67; 50 C.J.S., Juries § 80. North Carolina follows the general rule. In Re Watson, 157 N.C. 340, 72 S.E. 1049; State v Burnett, 179 N.C. 735, 102 S.E. 711; State v Frazier, 254 N.C. 226, 118 S.E. 2d 556. Federal decisions to date have not changed it. Kent v United States, 383 U.S. 541, 16 L.ed 2d 84, 86 S.Ct. 1045; In Re Gault, 387 U.S. 1, 18 L.ed 2d 527, 87 S.Ct. 1428; Duncan v Louisiana, 391 U.S. 145, 20 L.ed 2d 491, 88 S.Ct. 1444; In Re Whittington, 391 U.S. 341, 20 L.ed 2d 625, 88 S.Ct. 1507. These cases enumerate the basic requirements of due process that must be satisfied in juvenile proceedings; however, the right to jury trial is not listed among them. We have not found and counsel has not cited any case supporting the right to jury trials in juvenile proceedings. We therefore adhere to our former decisions and hold that a juvenile is not entitled to a jury trial in a juvenile court proceeding on the issue of his delinquency.

2. Is a juvenile entitled to a public trial in a juvenile court proceeding on the issue of his delinquency?

The Sixth Amendment to the Federal Constitution provides, among other things, that "[i]n all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. . . ." Article I, Section 13, of the Constitution of North Carolina prohibits conviction of any crime except by jury verdict in "open court." This right to a public trial is now applicable in both state and federal courts by virtue of the Due Process Clause of the Fourteenth Amendment. "In view of this nation's historic distrust of secret proceedings, their inherent dangers to freedom, and the universal requirement of our federal and state governments that criminal trials be public, the Fourteenth Amendment's guarantee that no one shall be deprived of his liberty without due process of law means at least that an accused cannot be thus sentenced to prison." In Re Oliver, 333 U.S. 257, 92 L.ed 682, 68 S.Ct. 499 (1948). The right of an adult charged with crime to be publicly tried is thus firmly established as a matter of constitutional law. See Annotation: Right to Public Trial in Criminal Case—Federal Cases, 4 L.ed 2d 2128.

Juvenile proceedings, however, stand in a different light. Whatever may be their proper classification, they certainly are not "criminal prosecutions." Nor is a finding of delinquency in a juvenile proceeding synonymous with "conviction of a crime." It has never been the practice in such proceedings, here or elsewhere, wholly to exclude parents, relatives or friends, or to refuse juveniles the benefit of counsel. Even so, such proceedings are usually conducted without admitting the public generally. See In Re Oliver, supra (333 U.S. 257, 266, note 12). So long as proceedings in the juvenile court meet the requirements of due process, they are constitutionally sound and must be upheld. This means that: (1) The basic requirements of due process and fairness must be satisfied in a juvenile court adjudication of delinquency. Kent v United States, supra (383 U.S. 541, 16 L.ed 2d 84, 86 S.Ct. 1045 (1966)); In Re Gault, supra (387 U.S. 1, 18 L.ed 2d 527, 87 S.Ct. 1428 (1967)).

(2) The Fourteenth Amendment applies to prohibit the use of a coerced confession of a juvenile. Haley v Ohio, 332 U.S. 596, 92 L.ed 224, 68 S.Ct. 302 (1948); Gallegos v Colorado, 370 U.S. 49, 8 L.ed 2d 325, 82 S.Ct. 1209, 87 A.L.R. 2d 614 (1962). (3) Notice must be given in juvenile proceedings which would be deemed constitutionally adequate in a civil or criminal proceeding; that is, notice must be given the juvenile and his parents sufficiently in advance of scheduled court proceedings to afford them reasonable opportunity to prepare, and the notice must set forth the alleged misconduct with particularity. In Re Gault, supra. (4) In juvenile proceedings to determine delinquency which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parents must be notified of the child's right to counsel and, if unable to afford counsel, to the appointment of same. In Re Gault, supra. (5) Juvenile proceedings to determine delinquency, as a result of which the juvenile may be committed to a state institution, must be regarded as "criminal" for Fifth Amendment purposes of the privilege against self-incrimination. The privilege applies in juvenile proceedings the same as in adult criminal cases. In Re Gault, supra.

We have been unable to find, and counsel has not cited, any case holding that a public hearing in juvenile proceedings is a constitutional requirement of due process. North Carolina has determined by statutory enactment that a public hearing is neither required nor in the best interest of the youthful offender. We adhere to that view. This assignment of error is therefore overruled.

3. Is the North Carolina Juvenile Court Act (Article 2 of Chapter 110 of the General Statutes) unconstitutional? Brief historical reference seems necessary and appropriate.

The District Court Division of the General Court of Justice was created by Chapter 310 of the 1965 Session Laws, effective in the First Judicial District (embracing Hyde County) on the first Monday in December 1966. G.S. 7A-130, 131. As thus created the district court has

exclusive, original jurisdiction over cases involving juveniles, "as such jurisdiction is set forth in chapter 110, article 2, of the General Statutes. This jurisdiction shall be exercised solely by the district judge." G.S. 7A-277.

Chapter 110, Article 2, of the General Statutes delineates the practices and procedures to be followed in juvenile cases. G.S. 110-21 provides in pertinent part that the superior court (now the district court by virtue of G.S. 7A-277) "shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in . . . their respective districts: (1) Who is delinquent or who violates any . . . State law . . . or who is truant, unruly, wayward, or misdirected, or who is disobedient to parents or beyond their control, or who is in danger of becoming so. . . ." This statute makes it the constant duty of the court to give each child subject to its jurisdiction such oversight and control as will conduce to the welfare of the child and to the best interest of the State. In Re Morris, 224 N.C. 487, 31 S.E. 2d 539. It deals with delinquent children as wards of the State and not as criminals. State v Burnett, 179 N.C. 735, 102 S.E. 711; State v Frazier, 254 N.C. 226, 118 S.E. 2d 556.

Appellants argue that the statute fails to define any of the operative terms such as "delinquent", "unruly", "wayward", "misdirected" and "disobedient" and contend that the statute is therefore void for vagueness and uncertainty.

It is settled law that a statute may be void for vagueness and uncertainty. "A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law." 16 Am. Jur. 2d, Constitutional Law § 552; Cramp v Board of Public Instruction, 368 U.S. 278, 7 L.ed 2d 285; 82 S.Ct. 275; State v Hales, 256 N.C. 27, 122 S.E. 2d 768. Even so, impossible standards of statutory clarity are not required by the constitution. When the language of a statute provides an adequate warning as to the conduct it condemns and prescribes boundaries sufficiently distinct for

judges and juries to interpret and administer it uniformly, constitutional requirements are fully met. United States v Petrillo, 332 U.S. 1, 91 L.ed 1877, 67 S.Ct. 1538.

Here, James Lambert Howard was found to be delinquent for the willful violation of (1) G.S. 14-132 which provides, *inter alia*, that if any person "shall make any rude or riotous noise or be guilty of any disorderly conduct" in any public building of any county, or shall commit any nuisance in such building, he shall be guilty of a misdemeanor; and (2) G.S. 14-273 which provides in pertinent part that if any person "shall wilfully interrupt or disturb any public or private school . . . or injure any school building, or deface any school furniture . . . or other school property, . . . he shall be guilty of a misdemeanor" and fined not more than $50 or imprisoned not more than thirty days.

Barbara Burrus and the remaining juveniles were found to be delinquent for the willful violation of G.S. 20-174.1 which provides that no person "shall wilfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic." Violation is punishable by fine or imprisonment, or both, in the discretion of the court.

There is nothing vague or indefinite about these statutes. Men—even children—of common intelligence can comprehend what conduct is prohibited without overtaxing the intellect. Judges and juries should be able to interpret and apply them uniformly. In State v Wiggins, 272 N.C. 147, 158 S.E 2d 37, cert. den. 390 U.S. 1028, 20 L. ed 2d 285, 88 S.Ct. 1418, defendants were charged with interrupting and disturbing the Southwestern High School in Bertie County by picketing in front of the school so as to interfere with classes, a violation of G.S. 14-273. There, as here, defendants argued that the statute was void because its prohibitions were uncertain, vague and indefinite. In upholding that statute, the court said: "It is difficult to believe that the defendants are as mystified as to the meaning of these ordinary English words as . . . they profess to be in their brief. Clearly, they have grossly underestimated the powers of comprehension possessed by 'men of common intelligence.'" That observation seems appropriate here.

The Supreme Court of the United States in sustaining a conviction in the court of New Jersey for a violation of an ordinance forbidding the use of sound trucks emitting "loud and raucous" sound, said: "The contention that the section is so vague, obscure and indefinite as to be unenforceable merits only a passing reference. This objection centers around the use of the words 'loud and raucous.' While these are abstract words, they have through daily use acquired a content that conveys to any interested person a sufficiently accurate concept of what is forbidden." Kovacs v Cooper, 336 U.S. 77, 93 L.ed 513, 69 S.Ct. 488, 10 A.L.R. 2d 608 (1949).

There is nothing vague or mysterious about a statute which provides that any child under sixteen years of age who is delinquent or who violates any state law which would subject an adult to punishment is amenable to the supervision of the juvenile court. Simply stated, that is the complete accusation against these children. It is not alleged that they were unruly or wayward or misdirected or disobedient or beyond the control of their parents. Hence, it is unnecessary to wage a war of words regarding the clarity of vagueness, as the case may be, of such terminology. We confine our discussion to the portion of the statute under which these children were disciplined. "Generally, delinquent children . . . are children who committed offenses against the law, or who are found to be falling into bad habits, or to be incorrigible, or who knowingly associate with vicious or immoral persons, or who are growing up in idleness and crime." 31 Am. Jur., Juvenile Courts, etc. § 36. A delinquent child is defined in Black's Law Dictionary 4th Ed. Rev. (1968) as "an infant of not more than specified age . . . who has violated any law. . . ." This seems clear enough. The challenge to these statutes based on vagueness is overruled.

Appellants seek to equate the protective custody of children under the juvenile laws of the State with the trial and punishment of adults under the criminal statutes. By so doing, they conclude that since a juvenile may be committed "during minority" (unless sooner released by the proper authorities) he is required "to serve a longer period of confinement" than the criminal law visits upon

an adult for violation of the same statute. Therefore, they argue, the juvenile statutes are constitutionally unsound. The equation is a *non sequitur;* its rationale fallacious. Nothing in *Gault* or other recent federal decisions support it. There are still many valid distinctions between a criminal trial and a juvenile proceeding. It suffices to say that the laws of this State and their administration by the District Court of Hyde County in these cases comply in full measure with recent constitutional standards for juvenile proceedings laid down by the United States Supreme Court in *Gault.* The record discloses complete fairness on the part of Judge Ward. The alleged misconduct of the children was stated with particularity in the petitions and brought to the attention of the juveniles and their parents in apt time. They were given timely notice of the hearing and afforded adequate opportunity to prepare for it. They were represented by able counsel and faced their accusers with lengthy cross examination. No statements or confessions, coerced or otherwise, were offered against them. They were accorded and exercised the privilege of remaining silent and declining to testify. Thus the basic requirements of due process have been satisfied. The constitutionality of the proceedings is fully sustained by *Kent* and *Gault,* supra, and by our own decisions as well. These juvenile statutes have been construed, applied and upheld in many decisions of this Court including State v Burnett, supra (179 N.C. 735, 102 S.E. 711); State v Coble, 181 N.C. 554, 107 S.E. 132; In Re Hamilton, 182 N.C. 44, 108 S.E. 385; In Re Coston, 187 N.C. 509, 122 S.E. 183; Winner v Brice, 212 N.C. 294, 193 S.E. 400. Furthermore, statutes similar to our own have been held constitutional in over forty states against a variety of attacks. In Re Gault, supra. See Paulsen, Kent v United States: The Constitutional Context of Juvenile Cases, 1966 Supreme Court Review 167, 174. Whatever may be the shortcomings of the juvenile court, and there are many, we are not inclined to hamstring the State in its efforts to deal with errant children as wards of the State instead of criminals. The Constitution does not require such mischievous meddling. We follow the rule that statutes will not be declared un-

constitutional unless they are clearly so. Hobbs v Moore County, 267 N.C. 665, 149 S.E. 2d 1; State v Warren, 252 N.C. 690, 114 S.E. 2d 660. Appellants' challenge to the constitutionality of Article 2, Chapter 110 of the General Statutes is overruled.

4. Did the juvenile court judge err by preventing an appeal in forma pauperis in these proceedings?

An appeal may be taken away from any order or judgment of the juvenile court to the North Carolina Court of Appeals in all cases. When an appeal is thus taken the district judge must summarize the evidence and make findings of fact. All appeals are on the record on questions of law or legal inference. G.S. 7A-195; G.S. 110-40. By way of contrast, it should be noted that appeals from the district court in criminal cases are taken to the superior court for trial *de novo* before a jury. G.S. 7A-196(e). Thus, juvenile court proceedings in the district court are not classified as "criminal cases" appealable to the superior court; and statutes on criminal procedure, dealing with appointment of counsel for indigent defendants and permitting them to appeal in forma pauperis, have no application and offer no solution to the problem before us.

Appeals in forma pauperis in civil actions tried in superior court are governed by G.S. 1-288 which provides, in pertinent part, that "[w]hen any party to a civil action tried and determined in the superior court . . . desires an appeal from the judgment rendered in the action . . . and is unable, by reason of his poverty, to make the deposit or to give the security required by law for said appeal, it shall be the duty of the judge . . . of said superior court to make an order allowing said party to appeal . . . without giving security therefor. The party desiring to appeal . . . shall . . . make affidavit that he is unable by reason of his poverty to give the security required by law, and that he is advised by a practicing attorney that there is error in matter of law in the decision of the superior court in said action. The affidavit must be accompanied by a written statement from a practicing attorney . . . that he has examined the affiant's

case, and is of opinion that the decision of the superi court, in said action, is contrary to law."

G.S. 7A-193 provides: "Except as otherwise provid in this chapter, the civil procedure provided in chapter of the General Statutes applies in the district court di sion of the General Court of Justice. Where there reference in chapter 1 of the General Statutes to t superior court, it shall be deemed to refer also to t district court in respect of causes in the district cou division." It is not "otherwise provided" in Chapter 7 of the General Statutes. It therefore follows that G. 1-288 is applicable to appeals in civil actions and juveni proceedings tried in the district court. Compliance wi its terms was necessary to entitle appellants to an ord allowing them to appeal in forma pauperis. The requir ments are mandatory and must be observed. Anders v Worthington, 238 N.C. 577, 78 S.E. 2d 333; Willian v Tillman, 229 N.C. 434, 50 S.E. 2d 33; Clark v Clar 225 N.C. 687, 36 S.E. 2d 261; Franklin v Gentry, 2 N.C. 41, 21 S.E. 2d 828; McIntire v McIntire, 203 N. 631, 166 S.E. 732. Since the required affidavit a certificate of counsel were not filed in compliance wi the statute, the Court of Appeals concluded that the di trict court judge committed no error in declining to iss an order providing for an appeal in forma pauperis. W concur and note parenthetically that no prejudice has r sulted to the juveniles involved. Their appeals have bee prepared, docketed and heard by both courts in the A pellate Division of the General Court of Justice. The have been diligently represented by able counsel. Whi this may not conclusively rebut the suggestion of ind gency, it conclusively shows that lack of an order provi ing for appeals in forma pauperis was harmless.

When there is error on the face of the record an a peal presents the matter for review, and the judgmen may be modified to conform to legal requirements. Jame v Pretlow, 242 N.C. 102, 86 S.E. 2d 759; Smith v Smit 223 N.C. 433, 27 S.E. 2d 137; Sheets v Walsh, 215 N.C 711, 2 S.E. 2d 861.

We note *ex mero motu* that the "Order of Commitmen and Probation" signed by the able and patient judge i

each of these cases exceeds the disposition authorized by G.S. 110-29. That statute provides that the court, if satisfied that the child is in need of the care, protection, or discipline of the State, may so adjudicate, and may find the child to be delinquent, neglected, or in need of more suitable guidance. Thereupon the court may: (1) place the child on probation subject to named conditions; *or* (2) commit the child to the custody of a relative, etc.; *or* (3) commit the child to the custody of the County Department of Public Welfare to be placed by said department in an institution maintained by the State; *or* (4) commit the child directly to an appropriate State or private institution or family home; *or* (5) render such further judgment or make such further order of commitment as may be authorized by law. These authorized dispositions are stated in the alternative. The judge may use any one of them but is not empowered to use two or more at the same time. When he placed each child on probation subject to the conditions named in the order, he exhausted his immediate authority. Therefore, that portion of the order in each case which adjudged that the juvenile be "committed to the custody of the Hyde County Department of Public Welfare to be placed by said department in a suitable institution maintained by the State for the care of delinquents (as said institutions are enumerated in G.S. 134-91), after having first received notice from the superintendent of said institution that such person can be received, and held by said institution for no definite term but until such time as The Board of Juvenile Correction or the Superintendent of said institution may determine, not inconsistent with the laws of this State" is unauthorized and must be deleted. Each judgment is accordingly modified by deleting the quoted portion together with the words "this commitment is suspended and said child," which are now redundant.

When a child is placed on probation, as here, the judge determines the duration and conditions thereof, and may modify same at any time. Probation may be revoked at any time the court finds the conditions of probation have been breached. The court may then commit the juvenile or make such other disposition as it might have made at

the time the child was placed on probation. G.S. 110-32.

The result reached by the Court of Appeals in all other respects is affirmed. Let the cases be remanded to the Court of Appeals for certification to the District Court of Hyde County for compliance with this opinion.

MODIFIED and AFFIRMED.

/s/ [Illegible]

A TRUE COPY

/s/ Adrian J. Newton
Clerk of the Supreme Court of North Carolina.

IN THE SUPREME COURT OF THE STATE OF NORTH CAROLINA

IN RE: BARBARA BURRUS, SARA WHITNEY, DARLENE MCCOY ET AL

No. 15, Fall Term, 1969

Appeal Docketed	13 June 1969
Case Argued	10 September 1969
Opinion Filed	16 October 1969
Final Judgment Entered	16 October 1969

* * * *

I, Adrian J. Newton, Clerk of the Supreme Court of North Carolina, do hereby certify the foregoing to be a full, true and perfect copy of the record and the proceedings in the above entitled case, as the same now appear from the originals on file in my office.

I further certify that the rules of this court prohibit the filing of petitions to rehear in criminal cases.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at office in Raleigh, North Carolina, this the 3rd day of December, 1969.

/s/ Adrian J. Newton
Clerk of the Supreme Court of North Carolina.

SUPREME COURT OF THE UNITED STATES

No. 1544 Misc., October Term, 1969

IN RE BURRUS, ET AL., PETITIONERS

On petition for writ of Certiorari to the Supreme Court of the State of North Carolina.

On consideration of the motion for leave to proceed herein *in forma pauperis* and of the petition for writ of certiorari, it is ordered by this Court that the motion to proceed *in forma pauperis* be, and the same is hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, granted. The case is transferred to the appellate docket as No. 1441 and placed on the summary calendar.

And it is further ordered that the duly certified copy of the transcript of the proceeding below which accompanied the petition shall be treated as though filed in response to such writ.

April 20, 1970

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